

County of Stettler No. 6

Notice of Appeal Hearing

This is to notify that an appeal has been made to the Subdivision and Development Appeal Board against a decision in respect to a Development Permit Application involving:

Development Permit - DP 20014 – For an Agricultural Supply Depot
On land located at: **NW-11-40-21 W4M**

Decision of the Development Authority

The Development Permit Application was approved as follows:

File No. DP 20014

Applicant: Sunalta Fertilizers Ltd

Legal Description: NW-11-40-21 W4M

82.06.24.20

Moved by James Nibourg

“That the County of Stettler No. 6 Municipal Planning Commission approve the discretionary use development permit application DP 20014 (Sunalta Fertilizer Ltd.) for an Agricultural Supply Depot on the NW 11-40-21 W4M subject to the following conditions:

1. A development permit shall not be issued and the use shall not be commenced until all conditions, except those conditions of a continuing nature, have been met or fulfilled.
2. The proposed development shall be undertaken and completed in accordance with the site plan.
3. The location of the structure(s) must meet the minimum setback requirements of the Agricultural District of the County of Stettler No. 6 Land Use Bylaw as follows:

FRONT	SIDE	REAR
125 feet (38 metres)	25 feet (7.62 metres)	25 feet (7.62 metres)
From the centerline of the County road.	From the property boundaries.	

If a greater distance is required by the Alberta Building Code, that Code's requirements shall be the minimum yard distance.

4. The approach to the property must be in conformance with the specifications of the County of Stettler, including installation of a culvert, if required.

5. The developer shall provide dust reduction measures to mitigate any dust concerns generated by the truck traffic from the Agricultural Supply Depot on Rge Rd 21-2 to the County's satisfaction.
6. The developer shall provide, at his cost, sampling and testing by an accredited lab identifying the product and appropriate handling and storage of the subject product related to this development to mitigate any public safety risks to the satisfaction of the County of Stettler. Once the product has been fully identified additional conditions may be required to address safety concerns.
7. For transportation contracts that exceed five round (5) trips per day or for special hauling contracts that require a different haul route, the developer shall enter into a road use agreement with the County pursuant to Council Policy PS 5.1 - Road Use Agreement to the satisfaction of the Director of Protective Services. The Development Officer shall notify all residential landowners along the designated access road of the Municipal Planning Commission's decision to approve a development permit for a business operation with a designated access road.
8. If and when required by the County, the Applicant shall enter into a road use agreement with and to the satisfaction of the County of Stettler No. 6 pursuant to Council Policy PS 5.1 - Road Use Agreement, and shall comply with the terms and conditions of such a road use agreement.
 - a) As part of the terms and conditions of the road use agreement the County may require that:
 - i) the applicant and/or any other authorized contractors exclusively use a designated access road; and
 - ii) that the applicant and/or any other authorized contractors shall address any nuisance complaints due to dust, noise or vibration as a result of the transportation component of the business operation to the County's satisfaction as may be defined in Council Policy PS 5.1 - Road Use Agreement; and
 - iii) that any agreement, verbal or written, that the applicant makes with other authorized contractors shall require them to directly enter into a separate road use agreement with the County, if deemed necessary by the County.
 - b) In the event that the said road use agreement identifies a designated access road the County shall notify all landowners adjacent to the access road.

9. The Agricultural Supply Depot shall not create a nuisance beyond the property boundary by way of dust, noise, vibration, odours, smoke, glare, heat or electrical or radio disturbance, detectable beyond the property boundary, or excessive traffic or anything dangerous or of an objectionable nature, in the opinion of the Development Authority.
10. The hours of operation of the Agricultural Supply Depot must be restricted to:
 - i) Monday to Saturday between the hours of 7:00 AM and 10:00 PM; and
 - ii) Sundays and Statutory Holidays between the hours of 10:00 AM and 6:00 PM
11. The outdoor storage of vehicles, equipment and products shall be screened from public view to the satisfaction of the Development Authority.
12. The applicant shall submit a Traffic Impact Assessment prepared by a qualified professional and at no cost to the County of Stettler. The applicant shall implement the recommendations and/or requirements of the Traffic Impact Assessment to the satisfaction of the County of Stettler prior to permit issuance and at no cost to the County of Stettler.
13. The Agricultural Supply Depot must not interfere with the rights of adjacent residents and/or landowners to the quiet, safe and private enjoyment of their property.
14. All materials, including but not limited to Cement Kiln Dust (CKD), stored and/or processed on the subject property must comply with the regulatory requirements for storage and/or handling to ensure that no particles are able to become airborne and/or mobile and distributed onto neighbouring residents and/or properties.
15. All necessary steps must be taken to ensure that the natural environment (surface water, groundwater, air quality, etc.) is not adversely affected by the presence of stored material.
16. Failure to comply with the aforementioned conditions will result in the development or use being deemed illegal and/or being reflected on a Real Property Report as non-conforming, or the development permit being revoked and/or the issuance of a stop order.
17. Notification of the Development Authority's decision on the development permit to be published in the Stettler Independent.
18. Notification of the Development Authority's decision on the development permit to be mailed to adjacent property owners.

19. An appeal period of twenty one days from the date of notification of the Development Authority's decision applies and if any appeals are submitted pursuant to s. 686 of the *Municipal Government Act* the development permit shall not be issued until such appeals are dealt with by the Subdivision and Development Appeal Board or the Municipal Government Board, as may be applicable.

Important information and notes:

- a. Please note that the County is accredited under the Alberta Fire Code and as a result all commercial, industrial and institutional buildings must be inspected from time to time and on an ongoing basis for code compliance. Therefore, it is in the best interest of the landowner/applicant to consult with the Stettler Regional Fire Chief at the time of making an application for a building permit under the *Alberta Safety Codes Act*, and definitely prior to construction start, so that fire code compliance can be addressed at that time, in order to avoid costly building modifications later on.
- b. Where the applicant intends to use groundwater for commercial purposes, please note that the Water Act requires a license approval from Alberta Environment and Parks. Where a municipal sewage disposal system is not available, it is the landowner or applicant's responsibility to comply with the regulatory approval requirements of Alberta Environment and Parks and/or with the Private Sewage Disposal Systems Regulation (Alberta Regulations 229/1997) and the Alberta Private Sewage Systems Standard of Practice under the Safety Codes Act, relative to the servicing of any development in this District by means of a private sewage disposal system.
- c. If the applicant intends to apply to participate in the County's residential laneway snow plowing program it is the applicant's responsibility to construct and maintain at no cost to the County a laneway that complies with the County's access requirements for snow plowing equipment. Please contact the County for further details. The laneway snow plowing program does not apply to commercial and industrial properties or to properties in a hamlet or a multi-lot subdivision.
- d. An abandoned well search indicated that there are either no abandoned wells on the property or if there are, that the proposed subdivision area, project site or building site is located outside of the required setback distance from any abandoned well on the property.
- e. The issuance of a Development Permit indicates only that the development to which the Development Permit relates is authorized in accordance with the provisions of the County of Stettler No. 6 Land Use Bylaw and does in no way relieve or

excuse the Development Permit holder from obtaining any other permit (including safety codes permits e.g. building, electrical, gas, plumbing, etc.), license, or other authorization required by any Federal or Provincial Act or regulation, or under any Bylaw of the County, or complying with the conditions of any easement, covenant, agreement, or other instrument affecting the building or land. It remains the developer's or applicant's responsibility to ensure compliance with these matters. Further, the issuance of this development permit specifically does not absolve the applicant or the landowner from their responsibility to comply with the Environmental Protection and Enhancement Act, the Water Act or the Public Lands Act, for example, relative to impacting a wetland on the subject property, but not excluding other provisions. It is the applicant or landowner's responsibility to undertake a wetland assessment of the subject property by a Qualified Wetland Science Practitioner to determine if any of the activities permitted under this development permit may impact a wetland.

- f. The Land Use Bylaw contains development standards and regulations that apply to but cannot be listed in this development permit due to limited space. These regulations address matters relating to many aspects of the approved development or use, such as access points, lines of sight, public safety setbacks, to mention a few. It is the applicant's or developer's responsibility to ensure that they are fully aware of all the applicable development standards and regulations in the Land Use Bylaw that may apply to the proposed development or use by contacting the County's Planning and Development department.
- g. The applicant/property owner is responsible for:
 - i. determining the legal property boundaries and any applicable easements through a survey by an Alberta Land Surveyor;
 - ii. ensuring that any structures approved under this development permit are constructed such that they are correctly set back from the property boundaries in compliance with the front, rear and side yard setbacks approved in this development permit;
 - iii. ensuring that the development approved under this development permit shall not disturb, affect or alter conditions of all utilities and appurtenances, drainage rights-of-way, utility rights-of-way, access rights-of-way and any easements as they may exist, over, under, or through the Lands;
 - iv. ensuring that the construction activity approved under this Development Permit is undertaken in a manner that

does not cause a disturbance or damage to adjacent properties;

- v. making suitable arrangements with utility companies for provision of all services and/or necessary easements for utility rights-of-way;
- vi. notifying Alberta 1st Call at 1-800-242-3447 to arrange for field locating prior to construction, should any excavations be required near utility lines;
- vii. ensuring that permanent structures are located outside the 1:100-year flood plain of any body of water;
- viii. ensuring that foundation and drainage systems are constructed under the supervision of a qualified geo-technical engineer on any slope exceeding 15% to protect the bank from erosion and to ensure slope stability;
- ix. ensuring that a 2-meter separation is provided between the water table and footings for the buildings;
- x. ensuring that the property is graded in such a manner that the rate and volume of surface runoff from storm water drainage do not exceed that which existed prior to the issuance of this Development Permit. Where an approved storm water management plan exists, the property must be graded in accordance with the storm water management plan.”

CARRIED UNANIMOUSLY

Appeal

An appeal has been received in regard to the aforementioned Development Permit Application DP 20014 detailing the following concerns:

We note that the Application indicates that the product will be stored outdoors with no screening or securing. This raises the following considerations:

1. Product disbursement especially in windy conditions and its impact on neighboring properties and on the lake water.
2. Surface water runoff and potential impact on ground water.
3. How far could dust be air borne? Are there maps provided to show the concentration at various distances from the proposed supply depot? How to control it?
4. Are there any soil sampling program to assess impacts? If none is to be done the Applicant ought to provide reasoning as to why not.

The Application makes reference to less than 2 trucks per day for traffic on the access road.

5. Will then any final approval be conditional to no more than 1 truck per day? Is this an average over the year or over a seasonal operation? Will there be greater numbers at certain times?
6. If the answer to above is No then what is the maximum number of loads and trucks allowed per day?
7. What measures will be in place to control traffic dust?
8. What is the size of trucks that would be used? Will they be required to be enclosed/covered to minimize product dust release?
9. What is the impact on road condition given this added traffic?

We understand that the product is not extracted from the site.

10. Are there any approvals required from Alberta Environment and Park and if yes would the County request from the Applicant make such approval available for impacted parties such as SSCA? What are the specifications, particularly potential health risks, for the material arriving and leaving the site? Will it be tested and reported regularly?

Furthermore, It was brought to our attention that the County would revert the access road (Rge Rd 21-2) to gravel to accommodate the proposed commercial operations. SSCA strongly opposes such conversion. This is the access road to our community and our expectation is that the County takes measures to improve the road condition and not to revert it to gravel. We are an important contributor to the County's economic wellbeing. We urge the County to have regard to our needs and expectations as we are partners in ensuring the continued desirability of living in this community.

Hearing

A Subdivision and Development Appeal Board Hearing will be held:

DATE: Wednesday, August 19, 2020
PLACE: Stettler Community Hall
5101 – 46 Avenue, Stettler AB
TIME: 1:30 p.m.

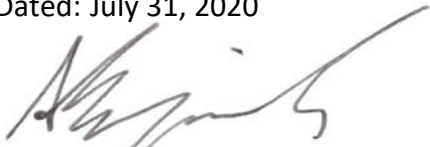
Any person claiming to be affected by the aforesaid decision or Order may be entitled to present a written brief prior to the Subdivision and Development Appeal Board Hearing and to be present and be heard at the Subdivision and Development Appeal Board Hearing.

Persons wishing to be heard at the Subdivision and Development Appeal Board Hearing shall submit briefs by **August 12, 2020 at 4:30 pm** to the Clerk of the Subdivision and Development Appeal Board either electronically, by mail, or delivered to the office at:

Subdivision and Development Appeal Board
Box 1270
6602 44 Avenue
Stettler AB T0C 2L0
sdab@stettlercounty.ca

Said materials will be made available on **August 14, 2020** on the Stettler County Website at www.stettlercounty.ca and will be available for public inspection at the County Office during regular office hours.

Dated: July 31, 2020

A handwritten signature in black ink, appearing to read 'Andrew Brysiuk', written over a light blue horizontal line.

Andrew Brysiuk
Clerk
Subdivision and Development Appeal Board