



COUNTY OF STETTLER NO. 6

Development Permit No. DP 23017

THIS DEVELOPMENT PERMIT IS HEREBY ISSUED TO:

Applicant: James Marshall Trucking Ltd
Address: P.O. Box 512, Erskine, AB, T0C 1G0
Owner: Keith Worth and Pamela Worth

In respect of development involving: Sand, Gravel and Surface Mineral Extraction & Sand, Gravel and Surface Mineral Processing

Legal description of land to be developed: SE 35-38-22-4
Roll Number: 685500
Rural Address: none assigned

Zoning District: Agricultural

Pursuant to Land Use Bylaw No. 1443-10, as amended, and as described by the Applicant in Development Permit Application No. DP 23017 and the following documents submitted with the application:

1. Development Permit Application Form
2. Worth Pit – SE 35-038-22-W4 Development Permit Application Report prepared by Amisk Creek Aggregate Consulting Ltd
3. Site Plan dated February 8, 2023 (the “Site Plan” – see attached)

you are hereby granted **CONDITIONAL APPROVAL** to proceed with the Sand, Gravel and Surface Mineral Extraction & Sand, Gravel and Surface Mineral Processing development on the SE 35-38-22-4.

The following variances have been granted as part of this approval:

none required

This approval is subject to compliance with the following conditions:

Area Approved for Development

1. Unless otherwise specifically identified in a condition of this approval, the development of the property shall be limited to the portion of the property that is shown within the “Proposed Area” of 7.7ha shown on the Site Plan.
2. An undisturbed buffer of at least 3 metres in width shall be maintained between the excavation and the boundaries of the “Proposed Area” shown on the Site Plan.
3. Before any excavation occurs in the Phase 2, Phase 3 or Phase 4 areas shown on the Site Plan, a copy of the Alberta Environment and Protected Areas (AEPA) approval of the updated Activities Plan must be provided to the Development Officer.

4. The northeast corner and the northwest corner of the "Proposed Area" shown on the Site Plan shall be marked in the field to the satisfaction of the Development Officer using highly visible 6x6 posts that have a height of at least 1.5m above grade. The posts shall be painted high visibility orange and remain in place until the pit is reclaimed. The posts must be installed no later than October 31, 2023.

Approved Activities

5. Except where specifically modified by a condition of this approval, the activities approved as part of the development shall be carried out in accordance with the activities plan and operating plan described in the Development Permit Application Report prepared by Amisk Creek Aggregate Consulting Ltd.
6. Excavation, processing and hauling activities shall be allowed up until five (5) years from the date this permit application was approved by the Municipal Planning Commission. No extraction, processing or hauling is permitted after September 8, 2028. The reclamation activities required in this permit continue to be approved and in force beyond September 8, 2028.
7. Excavation and processing of sand or gravel shall be limited to Monday to Saturday between the hours of 7:00 AM and 7:00 PM. Additionally, no operations are to occur on statutory holidays recognized by the Province of Alberta.
8. Loading and hauling of sand or gravel shall be limited to Monday to Saturday between the hours of 7:00 AM and 7:00 PM. Additionally, no operations are to occur on statutory holidays recognized by the Province of Alberta. Loading and hauling outside these hours may be approved by the County.
9. Excavation and washing/screening shall not occur at the same time in order to mitigate the noise impact on the adjacent residence to the east in accordance with the condition in the Triton Environmental Consultants Ltd. Noise Assessment.
10. To achieve the model results of the Noise Assessment and the Air Quality Assessment undertaken by Triton Environmental Consultants Ltd., crushing activities are not allowed within 90m of the east boundary of the "Proposed Area" shown on the Site Plan. The Development Officer may make an exception to this requirement to accommodate conveyor belts moving materials to form a stockpile within the 90m distance subject to the activity occurring during a day of week and time of day that is acceptable to the Development Officer.
11. Prior to any removal or disturbance of the vegetative cover on the south side of the topsoil pile that is closest to the wetland on the south boundary of the "Proposed Area", erosion and sediment control measures that are satisfactory to the Development Officer shall be installed. The measures approved by the Development Officer must remain in place until the vegetative cover has been re-established to the satisfaction of the Development Officer.

Access and Road Use

12. All hauling of materials and equipment to and from the development area involving up to five (5) inbound and five (5) outbound vehicle trips in a 24 hour period shall require a Road Use

Agreement to be in place with the County of Stettler prior to the haul commencing. The operator of the development shall enter into, and comply with the terms and conditions of a Road Use Agreement satisfactory to the County and made pursuant to County Policy PS 5.1 – Road Use Agreement.

13. All hauling of materials and equipment to and from the development area involving six (6) or more inbound and six (6) or more outbound vehicle trips in a 24 hour period shall require a Road Use Agreement to be in place with the County of Stettler prior to the haul commencing. The person or company responsible for the haul shall enter into, and comply with the terms and conditions of a Road Use Agreement satisfactory to the County and made pursuant to County Policy PS 5.1 – Road Use Agreement. The operator of the development shall not permit any hauls from the development area without the required Road Use Agreement being in place.

Off-Site Impacts

14. The operation shall not create a public nuisance beyond the property boundary by way of dust, noise or vibration that exceeds a threshold that could be reasonably expected, at the County's discretion, from this type of operation.
15. Dust control shall be implemented as deemed necessary by the County. This shall include, but is not limited to, watering or application of dust control products within the property, at no cost to the County.

Signage and Security

16. A sign indicating the approval of the development, which shall include the operator's name and contact information is to be posted near the entrance of the pit. This sign must be in place no later than October 31, 2023. This sign must be maintained and updated as required while the use and development continue and up to the time that the development area has been reclaimed.
17. Appropriate warning signs and traffic signs to inform the public of potential operational and site hazards shall be posted near the entrance of the development and along the perimeters of the site. These signs must be maintained and updated as required while the use and development continue and up to the time that the development area has been reclaimed.
18. A secure fence shall be maintained along the perimeter of the quarter section containing the development.
19. A secure gate shall be maintained at the access point to the development area. The gate shall be locked during non-operating hours.

On-site Storage and Materials

20. The development area shall be kept in a clean and tidy condition free of rubbish, asphalt, concrete, lumber products, other foreign materials or products and non-aggregate debris. No garbage shall be imported to the development area; and all garbage, recyclables and used oil is to be removed to an approved disposal facility.

Reporting

21. The Applicant must fully comply with all portions of the Community Aggregate Payment Levy Bylaw, as amended from time to time. This includes the provision of accurate reporting and auditing of each and every shipment of sand and gravel since January 1, 2020, and the payment of all levies associated with those shipments to be made in accordance with the Community Aggregate Payment Levy Bylaw.
22. Annual reports and a pit plan shall be submitted to the Development Officer by September 30 of each year, indicating the following information:
 - a. The material and volume of each stockpile within the development area;
 - b. The elevations throughout the development area – including pit face elevations; and
 - c. The annual report shall be accompanied by a current air photo of the development area.The first annual report must be provided on or before September 30, 2024.
23. If the Alberta Environment and Protected Areas registration number lapses or is cancelled, all activities related to the approved use and development shall cease. The County must be notified in writing if the registration number lapses, is cancelled or changes, or if an application is made for a change to the Alberta Environment and Protected Areas registration.

Reclamation

24. Reclamation of the 7.7ha “Proposed Area” shall be in accordance with the Reclamation Plan registered with Alberta Environment and Protected Areas.
25. Reclamation of the last phase of the development area must commence no later than 12 months after the date that extraction activity ceased or was no longer permitted. Reclamation of the development area must be completed within 24 months of the date that extraction activity ceased or was no longer permitted. The Development Officer may agree to provide a one-time time extension of 12 months to the 24 month reclamation period.

Date of Decision: September 8, 2023



Craig Teal, RPP MCIP
Development Officer

Attachments:

Site Plan dated February 8, 2023

APPEAL PROVISIONS

The Applicant for this development permit may appeal this decision by giving notice in writing to the Land and Property Rights Tribunal, 2nd Floor, 1229 – 91 Street SW, Edmonton, AB, T6X 1E9 not later than 21 days from the date that this decision was provided to the Applicant.

Notes for Information and Follow-up by Applicant:

- a. 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.
- b. 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.
- c. 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.