

December 5, 2023
SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING AGENDA
COUNCIL CHAMBERS AND VIDEOCONFERENCE
2:00 p.m.

1. CALL TO ORDER (2:00 p.m.)

2. SCHEDULE OF HEARINGS:

2.1. Appellant: Janice Nolte 022-STU-027 Development Appeal

2.2. Appellant: Jody Ryan 023-STU-028 Development Appeal

3. ADJOURNMENT

Appeal #1

023-STU-027 Appealing the Development Authority's approval of Development Permit 305305-23-D0286 for an extension of an existing permit to operate a temporary asphalt plant for Alberta Transportation Improvement Project CNT002315



NOTICE OF APPEAL

SUBDIVISION & DEVELOPMENT APPEAL BOARD

| | | |
|--|--------|--|
| Site Information: | | <p>RECEIVED</p> <p>NOV 10 2023</p> <p>STURGEON COUNTY</p> <p>Date Received Stamp</p> |
| Municipal Address of site: | | |
| Legal land description of site: ('plan, block, lot' and/or 'range-township-section-quarter') <i>SE 20-54-26 W4</i> | | |
| Development Permit number or Subdivision Application number: | | |
| Appellant Information: Severed in line with section 17 of the FOIP Act | | |
| Name: <i>Janice Nolte</i> | Phone: | Agent Name: (if applicable) |

| | |
|---|--|
| Development Permit | Subdivision Application |
| <input type="checkbox"/> Approval <input checked="" type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal | <input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal |
| Stop Order | |
| <input type="checkbox"/> Stop Order | |

REASON(S) FOR APPEAL Sections 678 and 686 of the Municipal Government Act require that the written Notice of Appeal must contain specific reasons

see letter

(Attach a separate page if required)

The personal information collected will be used to process your request for a hearing before the Subdivision and Development Appeal Board and is collected under the authority of the Municipal Government Act (MGA) and the Freedom of Information and Protection of Privacy Act (FOIP). Your information will form part of a file available to the public. If you have any question, please contact the Sturgeon County FOIP Coordinator at 9613-100 Street, Morinville, Alberta, T8R 1L9 (780) 939-4321.

Date: *Nov 10, 2023*

FOR OFFICE USE ONLY

| | | |
|--|---|-----------------------------|
| SDAB Appeal Number: Severed in line with section 17 of the FOIP Act | Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No | Hearing Date: YYYY/MM/DD |
|--|---|-----------------------------|

November 10, 2023

Sturgeon County
9613-100 Street,
Morinville, AB T8R 1L9

Attention: Melodie Steele, Subdivision and Development Appeal Board

Re: Development Permit No.: Appeal 305305-23-D0286

Registered owners of 26432 TWP. Rd 544, Sturgeon County received notice of the above-referenced Development Permit Approval Notification for an Extension for a Temporary Asphalt Plant as an adjacent landowner. For your reference, the proposed access off Highway 44 at Township Road 544 is immediately adjacent to the residence on the Property. We object to the Development Permit Approval for the following reasons:

- 1 Breach of permit conditions
- 2 Traffic, and noise.

The increase of noise and traffic causes residents a reduction in the use and enjoyment of their property. We have minimal buffers and noise barriers in place to eradicate this issue. Corporations should have a social responsibility towards all stakeholders to ensure proper noise, traffic, and safety barriers are in place to minimize the environment of neighbors they are impacting.

Sincerely,

Janice Nolte

Severed in line with section 17 of the FOIP Act



Sturgeon County
 9613-100 St (780) 939-4321
 Morinville, Alberta T8R-1L9
 (780) 939-4321 ext.

JANICE NOLTE

Receipt Number: 202308336
 GST Number: 107747412RT0001
 Date: 2023-11-10
 Initials: CG

Severed in line with section 17 of the FOIP Act

| Account | Description | Prev Bal | Payment | Balance |
|---------|------------------------------|----------|---------------------------------|-------------------|
| 16APP | APPEAL FEES - LEGISLATIVE SI | | \$100.00 | |
| | | | Subtotal: \$100.00 | |
| | | | Taxes: \$0.00 | |
| | | | Total Receipt: \$100.00 | <u>Cheque No.</u> |
| | | | Visa: \$100.00 | |
| | | | Total Monies Received: \$100.00 | |
| | | | Rounding: \$0.00 | |
| | | | Amount Returned: \$0.00 | |

November 21, 2023

SDAB File Number: 023-STU-027

Dear Janice Nolte:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: SE 20-54-26-W4

Decision Regarding Proposed Development: Development Permit approval for an extension of the existing permit to operate a temporary asphalt plant for Alberta Transportation Highway Improvement Project CNT002315 Intersection Hwy 37/44 roundabout.

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on November 10, 2023. In accordance with section 686(2) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **December 5, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 367 915 200#. This should connect you directly into the hearing.

When an appeal is received, the Appellant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than November 30, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

Should you require further information, call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

November 21, 2023

SDAB File Number: 023-STU-027

Dear Sir/Madam:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: SE 20-54-26-W4

Decision Regarding Proposed Development: Development Permit approval for an extension of the existing permit to operate a temporary asphalt plant for Alberta Transportation Highway Improvement Project CNT002315 Intersection Hwy 37/44 roundabout.

An appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on November 10, 2023. In accordance with section 686(2) of the *Municipal Government Act*, the Subdivision and Development Appeal Board (SDAB) must hold an appeal hearing within 30 days after receipt of a notice of appeal.

Reasons for Appeal (as identified on the Notice of Appeal):

- Breach of permit conditions regarding traffic and noise. The increase of noise and traffic causes residents a reduction in the use and enjoyment of property. There are minimal buffers and noise barriers in place to eradicate the issue.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **December 5, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the hearing this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 367 915 200#. This should connect you directly into the hearing.

When an appeal is received, the Applicant has the right to make a written submission and attend the hearing. Should you wish to exercise this right, your written submissions should be addressed to the undersigned and sent by email to legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date. **Therefore, written submissions are due to be submitted no later than November 30, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and

Development Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

Should you require further information, call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

November 21, 2023

SDAB File Number: 023-STU-027

Dear Resident:

**NOTICE OF
APPEAL BOARD HEARING**

Take notice that a hearing has been scheduled concerning the following proposed development:

Legal Description of Subject Property: SE 20-54-26-W4

Decision Regarding Proposed Development: Development Permit approval for an extension of the existing permit to operate a temporary asphalt plant for Alberta Transportation Highway Improvement Project CNT002315 Intersection Hwy 37/44 roundabout.

Applicant / Appellant: Janice Nolte

Reasons for Appeal (as identified on the Notice of Appeal):

- Breach of permit conditions regarding traffic and noise. The increase of noise and traffic causes residents a reduction in the use and enjoyment of property. There are minimal buffers and noise barriers in place to eradicate the issue.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **December 5, 2023 at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

The hearing may also be attended via videoconference, which will take place through the Microsoft Teams platform. If you plan to access the videoconference this way, please notify the undersigned at least 24 hours prior to the hearing. Please test Microsoft Teams in advance of the hearing as there will not be an opportunity to do so once the hearing is commenced. Alternatively, you may participate by telephone only. If you choose this option, please dial 1-647-749-9426 (toll) or 833-841-6740 (toll free) and then when prompted enter conference ID 367 915 200#. This should connect you directly into the hearing.

Why am I receiving this information?

When an appeal is received, adjacent landowners have the right to make a written submission, either for or against the appeal prior to the hearing and/or attend the hearing and speak for or against the proposed development. Should you wish to exercise this right, your written submissions should be addressed to the undersigned by email at legislativeservices@sturgeoncounty.ca at least five (5) days prior to the hearing date and must include your current email address. **Therefore, written submissions are due to be submitted no later than November 30, 2023.**

SDAB hearings are public in nature. It is understood that an individual writing, submitting items to the Board, or attending the hearing has a reasonable expectation that their personal information (i.e. name) or business information could be disclosed at a public SDAB hearing and as part of the SDAB agenda package on the Sturgeon County website. Pursuant to Sturgeon County Subdivision and Development

Appeal Board Bylaw 1410/18, hearings are recorded. In addition to audio recording, persons attending via videoconference who activate their video cameras will have their images recorded.

Should you require further information, call (780) 939-1377 or (780) 939-8277 or email legislativeservices@sturgeoncounty.ca.

Dianne Mason
Secretary, Subdivision and Development Appeal Board

SE 20-54-56-W4

17-May-2023



Information on this map is provided solely for the user's information and, while thought to be accurate, is provided strictly "as is" and without warranty of any kind.

NAD_1983_10TM_AEP_Resource
© Sturgeon County



Prepared By: _____



Subdivision and Development Appeal Hearing Process

The hearing is a formal meeting and the length of time can vary. Hearings are generally scheduled Tuesday afternoons at the Sturgeon County Centre in the Town of Morinville or via videoconference.

Persons who file an appeal are expected to make a verbal presentation to the Board. Persons who have been notified of the appeal also have the right to present a verbal, written and/or visual presentation to the Board. ***This information should be submitted to the Secretary at least five (5) days in advance of the hearing, so it can be included within the hearing package.*** If desired, parties may have someone, or an agent, speak on their behalf. If a number of appeals are filed on the same subdivision or development, it is recommended that a spokesperson be selected to organize presentations so that evidence is not repetitive.

The Board is not an evidence seeking body. It relies on the written evidence presented, as well as verbal submissions at the hearing, as the basis for their decision. Therefore, it is critical that persons appearing before the Board ensure that sufficient evidence is presented to support their respective positions.

When presenting an appeal, keep in mind the Board does not consider precedent when making its decision. Each application is judged on its own merits.

At the hearing . . .

Anyone in attendance with an interest in the appeal enters the hearing room, joins the videoconference, or dials in just before the scheduled start time of the hearing on the scheduled date of the hearing.

1. The meeting is called to order by the Chair.
 2. The Chair welcomes everyone and gives a brief outline as to how the hearing will proceed.
 3. The Chair will have all board members, staff and people involved in the appeal introduce themselves and those present are asked if there are any objections to the Board members hearing the appeal.
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4. A representative of Sturgeon County Planning and Development will outline the background of the appeal and why the decision was made.
5. The Chairman will then ask:
 - The Appellant to introduce themselves for the record.
 - The Appellant then presents his/her position or concerns with respect to the matter being considered by the Board. Development Appeal Board members question the Appellant.
 - Clearly state your reasons for the appeal.
Information such as photographs, illustrative materials and well-prepared drawings that you wish to present should be submitted to the Secretary at least five (5) days in advance of the hearing, so that the information can be included within the hearing package that is circulated.
 - Stick to the planning facts and support them with quantifiable (measurable) data.
 - State the detailed issues about the site in the context of the surrounding properties and the impact on the community.
 - The Board will then hear from anyone else in favor of the appeal (persons who filed an appeal or support the position of the Appellant). Following each presentation Board members may ask questions.
 - The Board will then hear from anyone opposed to the appeal (persons who oppose the position of the Appellant).
6. After all presentations have been heard, the Chairman will give the Appellants the right to respond to new information. This is an opportunity to refute information and evidence presented since the last time you spoke that you could not have reasonably anticipated. It is not an opportunity to reargue your case or create new argument.
7. The Chairman advises that the Board will deliberate in a Closed Session and a written decision will be mailed within 15 days from the date of the decision as per legislation.



Planning and Development
9613-100 Street
Morinville, AB T8R 1L9
Phone (780) 939-8275
Fax (780) 939-2076
Email: PandD@sturgeoncounty.ca

Development Permit Approval Notification

Oct 20, 2023

Development Permit No. **305305-23-D0286**

Property Owner,

Please be advised that the Development Officer has approved a development permit for an **Extension of the existing permit to operate a Temporary Asphalt Plant for Alberta Transportation Highway Improvement Project CNT002315 Intersection Hwy 37/44 Roundabout**, located at **SE-20-54-26-W4**. Please refer to the enclosed development permit and site plan for further details.

Why am I receiving the information?

When a development permit is approved as a discretionary use or a variance was granted, Section 2.10.2 of Land Use Bylaw 1385/17 requires adjacent landowners to be notified, should they want to exercise their right to appeal.

Appeal

As an adjacent landowner, you may file an appeal objecting the development or a condition of the approved development permit. Should you wish to file an appeal, you can find the Appeal Board information at the bottom of the permit. Appeals must be received by the correct Appeal Board by **Nov 10, 2023**.

Additional Information

If you have any questions or require further clarification regarding this development approval or an appeal, please contact the undersigned at (780) 939-8275.

Regards,

A handwritten signature in black ink, appearing to read 'Yvonne Bilodeau'.

Yvonne Bilodeau
Development Officer

Development Permit

Land Use Bylaw 1385/17

| | |
|-----------------|-----------------|
| Permit No.: | 305305-23-D0286 |
| Tax Roll No.: | 3687000 |
| Decision Date: | Oct 20, 2023 |
| Effective Date: | Nov 10, 2023 |

Applicant

Name: Knelsen Sand and Gravel
 Address: 11211 Winterburn Rd NW
 Edmonton, ALBERTA
 T5S 2B2
 Phone: (587)416-3171
 Cell:
 Email: sarmeda@knelsen.com

Owner

Name: Heidelberg Materials Canada Ltd.
 Address: Suite 100, 15015 123 Avenue
 Edmonton, ALBERTA
 T5J 1J7
 Phone: (780)420-2552
 Cell:
 Email: lauren.greenhough@heidelbergmaterials.com

Property Description

Legal Land Description: SE 20-54-26-W4
Land Use Description: RE - Resource Extraction District

Description of Work

Extension of existing permit to operate a Temporary Asphalt Plant for Alberta Transportation Highway Improvement Project CNT002315 Intersection Hwy 37/44 Roundabout.

Fees

| | |
|--------------------------------------|----------|
| Discretionary Use / Variance Request | \$300.00 |
|--------------------------------------|----------|

Permit Conditions

1. The hours of operation shall be between 7:00 AM to 7:00 PM Monday to Saturday. From October 2023 to November 2023 (weather permitting) and May 2024 to June 2024.
2. **Commencing project completion, the temporary asphalt plant shall cease operations and subsequently be removed from the site by July 2024.**
3. The temporary asphalt plant shall be setback at minimum 400m (1312.3ft) from a dwelling.
4. All operations shall be in accordance with Alberta Environmental Protection and Enhancement Act and Regulations and any other relevant federal and provincial legislation.
5. The applicant shall operate under the existing Road Use Agreement between Sturgeon County and Heidelberg Material.
6. The applicant shall mail; email; or hand deliver notification to the specified adjacent landowners and to Sturgeon County prior to operation of the plant and/or hauling of asphalt. This notice shall include:
 - a. description of the operations;
 - b. the approximate time over which operations will take place; and
 - c. the contact information where additional information may be obtained and concerns can be addressed.
7. The applicant shall post signage within the property boundaries and visible to the public, identifying the following:
 - i. description of the operations;
 - ii. the approximate time over which operations will take place; and
 - iii. the contact information where additional information may be obtained.
8. Site drainage shall be directed away from structures and towards a low-lying area of the parcel. Site grades shall be designed to prevent drainage from one site to the next, except where drainage conforms to an acceptable local standard or drainage plan.
9. The applicant shall ensure that dust and noise control measures are undertaken to prevent such items from becoming an annoyance to neighbouring landowners. The applicant shall conduct dust control procedures at the request of and to the satisfaction of the Development Approving Authority, acting reasonably. Also, the applicant shall apply methods of minimizing the noise created from machinery and equipment.

10. The applicant shall keep the area subject to the development permit in a clean and tidy condition free from rubbish and non-aggregate debris.

Advisory Notes

1. It is the responsibility of the applicant/landowner to ensure that all development, and activities associated with the development, complies with any federal, provincial, or municipal laws/legislation and any required license, permit, approval, authorization, regulation, or directive.

If you have any questions or concerns about your application or any conditions listed above, please contact the Current Planning and Development Department at 780-939-8275.

Issued By:



Yvonne Bilodeau
Development Officer

Municipality

Sturgeon County
9613 – 100 Street Morinville, AB T8R 1L9
Phone: (780) 939-8275
Fax: (780) 939-2076
Toll Free: 1-866-939-9303

Appeal Information

Pursuant to Section 685(1) of the Municipal Government Act, an appeal may be commenced by filing a notice of appeal within 21 days of the decision date. If you wish to appeal this decision, please choose the correct appeal body having jurisdiction.

If the application is the subject of a license, permit, approval, or other authorization granted by the Minister of Environment and Parks or granted under any Act the Minister is responsible for under section 16 of the Government Organization Act, or granted by the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission - Appeals shall be filed with the Land and Property Rights Tribunal at lp.rta.appeals@gov.ab.ca or by mail to 2nd Floor, Summerside Business Center, 1229 91 Street SW, Edmonton, AB, T6X 1E9. Telephone enquiries can be made to 780-427-2444.

All other appeals not subject to the above can be filed with the Secretary of the Subdivision and Development Appeal Board via email at legislativeservices@sturgeoncounty.ca or via mail to Sturgeon County Centre 9613 – 100 Street Morinville, AB, T8R 1L9. Telephone enquiries can be made at 780-939-4321.

