

JUNE 6, 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	023-STU-007	Development Appeal
2.2	Appellant: Vivianne Pambrun	023-STU-008	Development Appeal
2.3	Appellant: June Van Brabant	023-STU-009	Development Appeal
2.4	Appellant: Cheryl Hauptman	023-STU-010	Development Appeal

3. ADJOURNMENT

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		
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: <i>305305-23-D0092</i>		
Appellant Information:		
Severed in line with section 17 of the FOIP Act		
Name: <i>Tanice Nolte</i>	Phone:	Agent Name: (if applicable)
Mailing Address:	City, Province:	
Postal Code:	Ema...	

APPEAL AGAINST (check ONE box only) for multiple appeals YOU MUST submit another Notice of Appeal

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

Please see attached letter.

(Attach a separate page if required)

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Date: <i>May 15, 2023</i>	
FOR OFFICE USE ONLY	
SDAB Appeal Number:	Appeal Fees Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No
	Hearing Date: YYYY/MM/DD

APPEAL SUBMISSION INFORMATION

The Notice of Appeal must be received by the Subdivision and Development Appeal Board, no later than the final date of the appeal, as specified in the *Municipal Government Act*. Otherwise the appeal will not be processed.

FILING INFORMATION

MAIL OR DELIVER TO:

Secretary, Subdivision & Development Appeal Board
9613-100 Street
Morinville, AB T8R 1L9

***Please note that the Notice of Appeal form will not be processed until the fee calculated in accordance with the County's current *Fees & Charges Schedule* is received.**

APPEAL PROCESS

Who can appeal?

Subdivision appeals:

- The applicant for subdivision approval, pursuant to Section 678(1)(a) of the *Municipal Government Act*.
- Government Departments to which subdivision applications are required to be referred for comment, pursuant to Section 678 (1)(b) of the *Municipal Government Act*.
- School authorities on limited issue with respect to allocation of municipal and school, pursuant to Section 678(1)(d) of the *Municipal Government Act*.

Please note: The *Municipal Government Act* does not provide for adjacent owners to appeal but they are entitled to be notified of an appeal and to be heard at the Board hearing.

Development appeals:

Development appeals may be filed by anyone who is affected by a decision of the Development Authority in relation to a development proposal. Appeals may not be filed for a permitted use unless the Development Authority relaxed, varied or misinterpreted the Land Use Bylaw.

For further information:

If you require additional information regarding the appeal deadlines and the procedures of the Board, please contact the Secretary of the Subdivision and Development Appeal Board at:

Phone: 780.939.4321

Email: legislativeservices@sturgeoncounty.ca

May 13, 2023

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

Attention: Yvonne Bilodeau, Planning and Development

Re: Development Permit No.: 305305-23-D0092

We are the registered owners of 26432 Twp Rd 544, Sturgeon County (the "Property"). We received notice of the above referenced Development Permit Approval Notification 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) Access to the yard site for the Property will be directly affected by the increased commercial traffic.
- 2) Increased commercial traffic at the intersection of Hwy 44 and Twp Rd 554. Hwy 44 is currently very busy at this location.
 - a) How many trucks a day/week are expected?
 - b) Has a Traffic Impact Assessment been done?
 - c) Has a Roadside Development Permit from AT been obtained? -Note: Roadside Development Permit from Alberta Transportation (AT) #RPATH0008605 was obtained by Heidelberg without written consent or knowledge of the land owners.
 - d) If so, what is the expiry date of that permit?
 - e) Is an alternate route available?
 - f) Have alternate routes been considered?
- 3) The proposed hours of operation, six (6) days a week from 7:00 a.m. to 8:00 p.m. Monday to Saturday, are excessive and will negatively affect the Property to October 31, 2023.
 - a) What noise levels are expected or allowable for the trucks and the plant?
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- 4) Dust suppression is already insufficient at the Property due to the current commercial activity of Heidelberg Materials (Heidelberg).
 - a) What are the dust control procedures to be stated in the Roadside Use Agreement?
 - b) What remedies are available to us if the dust control procedures are not sufficient?
- 5) Possible smell and health concerns.
 - a) Will there be a detectable smell or health hazard related to environmental emissions?
 - b) If so, what steps will Allied take to mitigate any problems? Will those steps be sufficient?

In our opinion, the presence of the Temporary Asphalt Plant will unduly interfere with the use, enjoyment and value of the Property for the reasons stated above.

Sincerely,



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

NOLTE, JANICE

Receipt Number: 202302847
 GST Number: 107747412RT0001
 Date: 2023-05-15
 Initials: CS

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	

May 23, 2023

SDAB File Number: 023-STU-007

Dear Janice Nolte:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: SE 20-54-26-W4M
Decision Regarding Proposed Development: Development Permit approved to operate a temporary asphalt plant for Alberta Transportation's road upgrades on Highway 44 between Highway 16 and the Town of Westlock.

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on May 15, 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 **June 6, 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 156 036 924#. 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 June 1, 2023.** Note that previous submissions or information provided to Sturgeon County's Planning & Development Services Department regarding this matter will not be automatically forwarded for the purposes of the SDAB hearing. Therefore, if you wish to participate, you should submit any written correspondence previously provided to Sturgeon County's Planning & Development Services department to the undersigned for consideration by the SDAB.

SDAB hearings are public in nature, and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include 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.


**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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

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

Melodie Steele
Secretary, Subdivision and Development Appeal Board

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		
Municipal Address of site: <i>26432-TWP-RD-544</i>		
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter’) <i>26432 SW 29-54-26-4-</i>		
Development Permit number or Subdivision Application number: <i>305305-23-00092</i>		
Appellant Information:		
Severed in line with section 17 of the FOIP Act		
Name: <i>Vivianne Pambreun</i>	Phone:	Agent Name: (if applicable)
Mailing Address:	City:	
Postal Code:	Email:	

APPEAL AGAINST (Check ONE Box Only) for multiple appeals you must subm

Development Permit	Subdivision Application
<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" 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

Please see attached letter, DUST, NOISE, SPEED, Smell, & Health,

Severed in line with section 17 of the FOIP Act

(Attach a separate page if required)

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Signature of Appellant/Agent:	Date:
	<i>MAY 13, 2023</i>
FOR OFFICE USE ONLY	
SDAB Appeal Number: <i>023-STU-008</i>	Appeal Fees Paid: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Hearing Date: YYYY/MM/DD

May 13, 2023

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

Attention: Yvonne Bilodeau, Planning and Development

Re: Development Permit No.: 305305-23-D0092

We are the registered owners of 26432 Twp Rd 544, Sturgeon County (the "Property"). We received notice of the above referenced Development Permit Approval Notification 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:

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 - c) Has a Roadside Development Permit from AT been obtained?
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 - e) Is an alternate route available?
 - f) Have alternate routes been considered?
- 3) The proposed hours of operation, six (6) days a week from 7:00 a.m. to 8:00 p.m. Monday to Saturday, are excessive and will negatively affect the Property to October 31, 2023.
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- 5) Possible smell and health concerns.
 - a) Will there be a detectable smell or health hazard related to environmental emissions?
 - b) If so, what steps will Allied take to mitigate any problems? Will those steps be sufficient?

In our opinion, the presence of the Temporary Asphalt Plant will unduly interfere with the use, enjoyment and value of the Property for the reasons stated above.

Sincerely

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.

PAMBRUN, VIVIANNE

Receipt Number: 202302930
 GST Number: 107747412RT0001
 Date: 2023-05-17
 Initials: CS

Severed in line with section 17 of the FOIP Act

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

May 23, 2023

SDAB File Number: 023-STU-008

Dear Vivianne Pambrun:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: SE 20-54-26-W4M
Decision Regarding Proposed Development: Development Permit approved to operate a temporary asphalt plant for Alberta Transportation's road upgrades on Highway 44 between Highway 16 and the Town of Westlock.

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on May 17, 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 **June 6, 2023, at 2:00 p.m.** in the Council Chambers of Sturgeon County Centre, 9613 – 100 Street, Morinville, Alberta.

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**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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

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Melodie Steele
Secretary, Subdivision and Development Appeal Board



SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:		<div style="font-size: 2em; color: red; font-weight: bold; letter-spacing: 0.5em;">RECEIVED</div> <div style="color: red; font-weight: bold; margin-top: 10px;">MAY 17 2023</div> <div style="color: red; font-weight: bold; margin-top: 10px;">STURGEON COUNTY</div> <div style="color: red; font-weight: bold; font-size: 0.8em;">Date Received Stamp</div>
Municipal Address of site: <i>26432 Twp Rd 544</i>		
Legal land description of site: (plan, block, lot and/or range-township-section-quarter) <i>SW-29-54-26-4</i>		
Development Permit number or Subdivision Application number: <i>305305-23-D0092</i>		
Appellant Information: Severed in line with section 17 of the FOIP Act		
Name: <i>JUNE VAN BRABANT</i>	Phone:	(if applicable)
Address:	City, P	
Postal Code:	Email:	

APPEAL AGAINST (Check ONE Box Only) for multiple appeals you must submit another Notice of Appeal

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

please see attached document.

Severed in line with section 17 of the FOIP Act
(Attach a separate page if required)

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Signature of Appellant	Date: <i>May 15 / 2023</i>
SDAB Appeal Number: <i>023-STU-009</i>	FOR OFFICIAL USE ONLY
Appeal Fees Paid: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Hearing Date: YYYY/MM/DD

May 13, 2023

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

Attention: Yvonne Bilodeau, Planning and Development

Re: Development Permit No.: 305305-23-D0092

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Sincerely,

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.

VAN BRABANT, JUNE

Receipt Number: 202302929
 GST Number: 107747412RT0001
 Date: 2023-05-17
 Initials: CS

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>
			Mc: \$100.00	
			Total Monies Received: \$100.00	
			Rounding: \$0.00	
			Amount Returned: \$0.00	

May 23, 2023

SDAB File Number: 023-STU-009

Dear June Van Brabant:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: SE 20-54-26-W4M
Decision Regarding Proposed Development: Development Permit approved to operate a temporary asphalt plant for Alberta Transportation's road upgrades on Highway 44 between Highway 16 and the Town of Westlock.

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**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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

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Melodie Steele
Secretary, Subdivision and Development Appeal Board



NOTICE OF APPEAL

SUBDIVISION & DEVELOPMENT APPEAL BOARD

Site Information:	<p style="font-size: 2em; color: red; font-weight: bold;">RECEIVED</p> <p style="color: red; font-weight: bold;">MAY 18 2023</p> <p style="color: red; font-weight: bold;">STURGEON COUNTY</p> <p style="font-size: 0.8em;">Date Received Stamp</p>
Municipal Address of site:	
Legal land description of site: (‘plan, block, lot’ and/or ‘range-township-section-quarter’) SE20-54-26-W4	
Development Permit number or Subdivision Application number: 305305-23-D0092	

Severed in line with section 17 of the FOIP Act

Appellant Information:		
Name: Cheryl Hauptman	Phone:	Agent Name: (if applicable)
Mailing Address	City, Province:	
Postal Code:	Email:	

APPEAL AGAINST (Check ONE Box Only) for multiple appeals you must submit another Notice of Appeal

Development Permit	Subdivision Application
<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Approval
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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

Please see attached letter. Dust, noise, speed, smell, health.

(Attach a separate page if required)

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Severed in line with section 17 of the FOIP Act

Signature of Appellant/Agent	Date: May 17, 2023
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FOR OFFICE USE ONLY

SDAB Appeal Number:	Page 18 of 59	Appeal Fees Paid:	Hearing Date:
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May 13, 2023

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

Attention: Yvonne Bilodeau, Planning and Development

Re: Development Permit No.: 305305-23-D0092

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 - a) Will there be a detectable smell or health hazard related to environmental emissions?
 - b) If so, what steps will Allied take to mitigate any problems? Will those steps be sufficient?

In our opinion, the presence of the Temporary Asphalt Plant will unduly interfere with the use, enjoyment and value of the Property for the reasons stated above.

Sincerely,

Severed in line with section 17 of the FOIP Act

Cheryl Hauptman



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

HAUPTMAN, CHERYL

Receipt Number: 202302948
 GST Number: 107747412RT0001
 Date: 2023-05-15
 Initials: KS

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	

May 23, 2023

SDAB File Number: 023-STU-010

Dear Cheryl Hauptman:

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: SE 20-54-26-W4M
Decision Regarding Proposed Development: Development Permit approved to operate a temporary asphalt plant for Alberta Transportation's road upgrades on Highway 44 between Highway 16 and the Town of Westlock.

Your appeal to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter was received on May 18, 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 **June 6, 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 156 036 924#. 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 June 1, 2023.** Note that previous submissions or information provided to Sturgeon County's Planning & Development Services Department regarding this matter will not be automatically forwarded for the purposes of the SDAB hearing. Therefore, if you wish to participate, you should submit any written correspondence previously provided to Sturgeon County's Planning & Development Services department to the undersigned for consideration by the SDAB.

SDAB hearings are public in nature, and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include 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.

**SUBDIVISION and
DEVELOPMENT**
APPEAL BOARD

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

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

Melodie Steele
Secretary, Subdivision and Development Appeal Board



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: _____
Page 23 of 59



May 23, 2023

SDAB File Numbers: 023-STU-007
023-STU-008
023-STU-009
023-STU-010

Dear Allied Paving Group Ltd.

**NOTICE OF
APPEAL BOARD HEARING**

Legal Description of Subject Property: SE 20-54-26-W4M

Development Permit Number: 305305-23-D0092

Decision Regarding Proposed Development: Development Permit approved to operate a temporary asphalt plant for Alberta Transportation's road upgrades on Highway 44 between Highway 16 and the Town of Westlock.

Appeals to the Subdivision and Development Appeal Board (SDAB) respecting the above-noted matter were received on May 15, 17 and May 18, 2023. In accordance with section 686(2) of the *Municipal Government Act*, the SDAB must hold an appeal hearing within 30 days after receipt of a notice of appeal.

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

- Access to the yard site for the Property will be directly affected by the increased commercial traffic.
- There will be an increase in commercial traffic at the intersection of Highway 44 and Township Road 554. Highway 44 is currently very busy at this location.
- The proposed hours of operation, six (6) days a week from 7:00 a.m. to 8:00 p.m. Monday to Saturday, are excessive and will negatively affect the Property to October 31, 2023.
- Dust suppression is already insufficient at the Property due to the current commercial activity of Heidelberg Materials (Heidelberg).
- There are possible smell and health concerns.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **June 6, 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 156 036 924#. 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 June 1, 2023.** Note that previous submissions or information provided to Sturgeon County's Planning & Development Services Department regarding this matter will not be automatically forwarded for the purposes of the SDAB hearing. Therefore, if you wish to participate, you should submit any written correspondence previously provided to Sturgeon County's Planning & Development Services department to the undersigned for consideration by the SDAB.

SDAB hearings are public in nature, and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include 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.

For further information, please call (780) 939-8277 or (780) 939-1377, or by email at legislativeservices@sturgeoncounty.ca.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

cc. Heidelberg Materials Canada Ltd.

May 23, 2023

SDAB File Number: 023-STU-007
023-STU-008
023-STU-009
023-STU-010

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-W4M

Decision Regarding Proposed Development: Development Permit approved to operate a temporary asphalt plant for Alberta Transportation's road upgrades on Highway 44 between Highway 16 and the Town of Westlock.

Applicant: Allied Paving Group Ltd.

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

- Access to the yard site for the Property will be directly affected by the increased commercial traffic.
- There will be an increase in commercial traffic at the intersection of Highway 44 and Township Road 554. Highway 44 is currently very busy at this location.
- The proposed hours of operation, six (6) days a week from 7:00 a.m. to 8:00 p.m. Monday to Saturday, are excessive and will negatively affect the Property to October 31, 2023.
- Dust suppression is already insufficient at the Property due to the current commercial activity of Heidelberg Materials (Heidelberg).
- There are possible smell and health concerns.

Take notice that this Subdivision and Development Appeal Board hearing is scheduled for **June 6, 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 156 036 924#. 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 June 1, 2023.** Note that previous submissions or information provided to Sturgeon County's Planning & Development Services Department regarding this matter will not be automatically forwarded for the purposes of the SDAB hearing. Therefore, if you wish to participate, you should submit any written correspondence previously provided to Sturgeon County's Planning & Development Services department to the undersigned for consideration by the SDAB.

SDAB hearings are public in nature and it is understood that an individual writing or submitting items to the Board has a reasonable expectation that their correspondence/presentations, which may include 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.

For further information, please call (780) 939-8277 or (780) 939-1377, or by email at legislativeservices@sturgeoncounty.ca.

Melodie Steele
Secretary, Subdivision and Development Appeal Board

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.

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

Apr 28, 2023

Development Permit No. **305305-23-D0092**

Property Owner,

Please be advised that the Development Officer has approved a development permit to **operate a temporary asphalt plant for Alberta Transportations road upgrades on Highway 44 between Highway 16 and Westlock** located on **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 **May 19, 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', written over a light grey rectangular background.

Yvonne Bilodeau
Development Officer

Development Permit

Land Use Bylaw 1385/17

Permit No.:	305305-23-D0092
Tax Roll No.:	3687000
Decision Date:	Apr 28, 2023
Effective Date:	May 19, 2023

Applicant

Name: Allied Paving Group Ltd.
 Address: Box 390
 Lamont, ALBERTA
 T0B 2R0
 Phone: (780)895-7579
 Cell:
 Email: tara@alliedpaving.ca

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: Resource Extraction District

Description of Work

To operate a temporary asphalt plant for Alberta Transportations road upgrades on Highway 44 between Highway 16 and Westlock

Fees

Discretionary Use / Variance Request \$1,000.00

Permit Conditions

1. That the hours of operation shall be between 7:00 AM to 8:00 PM – Monday to Saturday.
2. **The temporary asphalt plant shall cease operation by October 31, 2023 and subsequently be removed from the site.**
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.

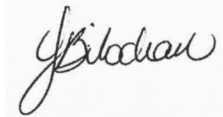
10. The applicant shall keep the area subject to the development permit in a clean and tidy condition free from rubbish and non-aggregate debris.

Advisory Notes

1. The permit issued is valid for the specified time as indicated by the permit expiry date. It is the applicants' responsibility to seek renewal of the development permit prior to the expiry of the time period for which the initial permit was issued. The renewal request will be based on the merits of the application.
2. 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 lprt.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 others 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

SITE PLAN FOR DEVELOPMENT PERMIT APPLICATION

Section: SE 20	Township: 54	Range: 26	Meridian: 4
Plan:	Block:	Lot:	

PLEASE DEFINE THE SCALE YOU USED (ex: 4 boxes = 10 metres): _____ boxes = _____

APPROVED

FOR DEVELOPMENT PERMIT ONLY
STURGEON COUNTY
PLANNING & DEVELOPMENT SERVICES

J. Stokow **Apr 28, 2023**

DEVELOPMENT AUTHORITY DATE

305305-23-D0092

PERMIT #



Severed in line with section 17 of the FOIP Act



ALLIED PAVING GROUP LTD

Box 390, Lamont, Alberta T0B 2R0 / Telephone: (780) 895-5759 / Facsimile: (780) 895-2753

April 27, 2023

TO WHOM IT MAY CONCERN:

Dear Resident:

**RE: ALBERTA TRANSPORTATION HIGHWAY REHABILITATION PROJECT CON0021741
ASPHALT PLANT OPERATION AT SE20-54-26 W4M / HEIDELBERG MATERIALS
PROPOSED PROJECT START DATE – SUBJECT TO APPROVAL FROM THE COUNTY**

The Allied Paving Group has been awarded Alberta Transportation Highway Rehabilitation Project CON0021741, which is scheduled to commence in May of 2023. This project includes new passing lanes and intersection upgrades to improve safety along Highway 44 between Highway 16 and Westlock. In order to complete these upgrades, we are planning to move and utilize our asphalt plant within the existing plant site of Heidelberg Materials located at SE 20-54-26 W4M.

Our proposed hours of operation will be from 7:00 AM to 8:00 PM Monday through Saturday. During the hours of operation, Allied Paving will make every reasonable effort to mitigate any additional noise and traffic in the area in order to ensure there are minimal disruptions to your day-to-day activities.

Should you have any additional questions or concerns, please do not hesitate to contact our Operations Manager, Yuri Wishloff at (780) 220-4041 or our Health and Safety Administrator, Tara Ostafichuk, at (780) 895-7579.

We thank you in advance for your patience and cooperation.

Yours truly,

ALLIED PAVING GROUP LTD



Planning and Development

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

For Office Use	
Permit Number:	_____
Date Received:	_____
Received By:	_____

DEVELOPMENT PERMIT APPLICATION

Application is hereby made under the provisions of Land Use Bylaw 1385/17 to develop in accordance with the plans and supporting information submitted herewith and which form part of this application.

APPLICANT INFORMATION

Complete if different from Applicant

Name of Applicant: Allied Paving Group Ltd		Name of Registered Land Owner: Heidelberg Materials Limited Canada	
Mailing Address: Box 390		Mailing Address: Suite 100, 15015 - 123 Avenue	
City: Lamont		City: Edmonton	
Postal Code: T0B 2R0	PH: 780-895-7579	Postal Code: T5V 1J7	PH: 780-423-6307
E-mail Address: tara@alliedpaving.ca		Email Address: dale.soetaert@heidelbergmaterials.com	
Contact Name: Tara Ostafichuk			

LAND INFORMATION

Legal Description of Property All/Part SE 1/4 Section 20 Twp. 54 Rge. 26 West of the 4 Meridian

OR Lot _____ Block _____ Plan No. _____ Hamlet or Subdivision _____

Parcel Size: _____ Rural Address: _____

DEVELOPMENT INFORMATION – Please Mark (X) ALL that Apply

<input type="checkbox"/> Residential	<input type="checkbox"/> Accessory Building	<input type="checkbox"/> Kennel	Brief Description: Proposed location for Asphalt Plant in order to complete Alberta Transportation Project CON0021741 - rehabilitation and repairs along Hwy 44.	Development Details: Size: <u>5 acres</u> Height: _____ Start Date: <u>May 15, 2023</u> End Date: <u>October 31, 2023</u> Estimated Project Value: \$19 million <i>(cost of material & labour)</i>
<input type="checkbox"/> Commercial	<input type="checkbox"/> Addition	<input type="checkbox"/> RV Storage		
<input checked="" type="checkbox"/> Industrial	<input type="checkbox"/> Attached Garage	<input type="checkbox"/> Single Family Dwelling		
<input type="checkbox"/> Institutional	<input type="checkbox"/> Site Grading	<input type="checkbox"/> Secondary Dwelling		
	<input type="checkbox"/> Deck	<input type="checkbox"/> Dugout		
	<input type="checkbox"/> Other _____			

APPLICANT AUTHORIZATION

I/we hereby give my/our authorization to apply for this development permit application and allow authorized persons the right to enter the above land and/or building(s) with respect to this application only. I/we understand and agree that this application and any development permit issued pursuant to this application or any information thereto, is not confidential information and may be released by Sturgeon County. I/We grant consent for an authorized person of Sturgeon County to communicate information electronically as per Section 608 (1) of the Municipal Government Act, R.S.A. 2000., c.M-26.

	April 26, 2023		April 19, 2023
Signature of Authorized Applicant(s)	Date	Signature of Landowner	Date

All landowners listed on title must sign this permit or a letter of authorization. If the land is titled to a company, a copy of the Corporate Registry must be provided.

Signature of Landowner _____ Date _____

FOR OFFICE USE ONLY

Permitted Use Discretionary Use

Fee\$ _____ Penalty\$ _____ Receipt# _____ Tax Roll# _____ District _____

Payment Method: **Cash / Cheque / Debit / VISA / Mastercard**

M/C or Visa Number _____ Expiry Date: 05/23

Name (as it appears on card): _____ Authorized Signature:

From: [Tara-Lee Ostafichuk](#)
To: [Yvonne Bilodeau](#)
Cc: [Yuri Wishloff](#)
Subject: Development Permit Application
Date: April 27, 2023 10:01:39 AM
Attachments: [image009.png](#)
[image001.jpg](#)
[image002.jpg](#)
[Sturgeon County Development Permit - Allied Paving Group Ltd.pdf](#)
[Plant Registration Number.pdf](#)
[Schedule A Road Use Agreement - RR272 to 44 Hwy and RR264 to Hwy 44.pdf](#)
[Resident Notification Letter - Highway 44 Sturgeon County.pdf](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender, and know the content is safe. If you are unsure of the contents of this email, please reach out to IT at ISSupport@sturgeoncounty.ca

Good morning, Yvonne.

RE: STURGEON COUNTY DEVELOPMENT PERMIT APPLICATION

I have received your contact information from Dale Soetaert of Heidelberg Materials. Mr. Soetaert has been gracious enough to assist me with the completion of our Development Permit Application. Unfortunately, this was missed during our pre-construction discussions, and I am hopeful you will be able to assist me with reviewing and, if possible, expediting the approval process. We were hoping to commence with moving materials and our plant to the Heidelberg Materials location as soon as possible.

Enclosed please find the following for your review and further handling:

1. Development Permit Application with the endorsement of Mr. Soetaert and myself thereon;
2. Site Plan for proposed Plant Site Location;
3. Land Title Certificate with respect to the proposed plant site location;
4. Approval letter from Dale Soetaert of Heidelberg Materials dated April 19, 2023, granting permission to Allied Paving Group to utilize property located at SE 20-54-26 W4M for our proposed plant site location; and
5. A copy of the Schedule "A" Road Use Agreement for the designated haul route.

Further to your email correspondence to Mr. Soetaert (the date of which is missing from the correspondence), I will also address your inquiries as presented to ensure you have all of the information you require in order to review our application:

1. How long and what months will you be operating from the site?

The proposed start date to commence with paving operations was May 23rd, 2023. We are seeking permission to have this application in place until October 31st, 2023, in order to ensure there is enough time to complete the project and depart from site. If it is at all possible, we are hoping to commence with moving our plant to site so that we can have it set up and ready to go once permission is granted from Sturgeon County to proceed with production.

2. What are the hours of operation?

The plant site will run from 7:00 AM to 8:00 PM Monday through Saturday. It is our intention to take Sundays off.

3. What volume of trucks per day and hours for hauling?

It is estimated that we will be utilizing 10 to 15 trucks per day (40 loads) to bring material from our plant site location to the project location. The first truck will arrive at the plant site at 7:00 AM to load and our last truck will leave the plant site area no later than 7:30 PM, approximately half an hour prior to when the plant will shut down for the day.

4. Provide a copy of your COP registration.

Attached.

5. How will you address the noise concerns?

Allied Paving will notify nearby residents of our proposed activity in the area. It is our hope that the additional activity of our plant operations will not adversely increase the noise associated with Heidelberg Material's current operations. It is also noted that we will be sharing this section of the property with another paving company and their asphalt plant.

While noise is associated with the operation of a plant site, Allied Paving will make our best efforts to ensure we are in compliance with any restrictions or recommendations set forth by the County. Attached is a draft notification letter for your review.

6. How will you provide dust control - or will this be provided by Inland (now Heidelberg Materials) in correlation with their RUA?

It is my understanding that dust control will be provided by Heidelberg Materials with respect to the existing Road Use Agreement. This information is contained within Schedule "A" of Road Use Agreement (attached).

7. What projects will the plant serve?

Alberta Transportation Highway Rehabilitation and Improvement Project CON0021741.

I appreciate that the use of a temporary asphalt plant is discretionary on this parcel of land, and that the landowners have a notification and appeal process of 21 days prior to the permit taking effect, but if there is any way to expedite this process so that we can at least start with moving our equipment to site, it would be greatly appreciated. Also, if you have a list of the landowners in the area that require notification, I can go and speak with them directly and attempt to secure approval, if that is something the County would consider?

I look forward to your response, and if I am missing any information you require, please do not hesitate to contact me. I do not want to delay the application process due to an oversight.

Thank you,

Tara Ostafichuk
Owner



ALLIED PAVING CO. LTD.

A Division of Allied Paving Group Ltd.

Post Office Box 390

5617 Highway 15

Lamont, Alberta T0B 2R0

Office: (780) 895-7579 ext 101

Cellular: (780) 318-3330

Facsimile: (780) 895-2753

Website: www.alliedpaving.ca

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PLANNING AND DEVELOPMENT SERVICES REPORT

Subdivision & Development Appeal Board
023-STU-007, 023-STU-008, 023-STU-009, 023-STU-010

FILE INFORMATION

Department File: 305305-23-D0092
Legal Land Description: SE 20-54-26-W4
Relative Location: Near Villeneuve
Appellants: Janice Nolte, Vivianne Pambrun, June VanBrabant, Cheryl Hauptman.
Applicant: Allied Paving Group Ltd.
Landowner: Heidelberg Materials Canada Ltd.
Description of Appeal: Appealing the Decision of the Development Authority to operate a Temporary Asphalt Plant
Land Use Bylaw District: RE – Resource Extraction
Tax Roll Number: 3687000

BACKGROUND

- Sturgeon County issued Allied Paving Group a development permit approval (305305-23-D0092) for a Temporary Asphalt Plant.
- They have been awarded Alberta Transportation Highway Rehabilitation Project CON0021741, which was scheduled to commence in May of 2023. This project includes new passing lanes and intersection upgrades to improve safety along Highway 44 between Highway 16 and Westlock.
- The plant is approved to operate between 7:00 AM to 8:00 PM – Monday to Saturday and expires October 31, 2023 wherein the plant will be removed from the site.

PROPERTY INFORMATION

- The property is owned by Heidelberg Materials Canada Ltd., and the asphalt plant is located on the south westerly portion of the operation.
- This is the third approval for a Temporary Asphalt Plant that has operated from this site due to it's proximity to the aggregate needed for the asphalt mix.
- For area context, other Temporary Asphalt Plants have been approved to the west of Hwy 44 along Twp Rd 544 also due to the close proximity to the aggregate and the designated heavy haul road.

RELIVANT POLICY/LEGISLATION

- The property is zoned RE – Resource Extraction District which is one of Sturgeon County's primary industries alongside Agriculture. The purpose of the district is to provide for the extraction, processing and stockpiling of on-site natural resources on lands.
- Land Use Bylaw
 - Section 11.2.2 Uses – lists Temporary Asphalt Plant as a discretionary use.

- Temporary Asphalt Plant means a structure which is used to make asphalt from aggregate materials for a limited period of time and is typically associated with a road construction project.
- Special Regulations for Temporary Asphalt Plans of Section 6.23 state:
 1. The period for a development permit for the operation of a temporary asphalt plant or temporary concrete batch plant shall be at the discretion of the Development Authority based on the scope of the project.
 2. A temporary asphalt plant or temporary concrete batch plant shall not be located within 400m (1,312.3ft) of a dwelling.
 3. Notwithstanding Subsection 6.34.2, a temporary asphalt plant or temporary concrete batch plant may be permitted within 400m (1,312.3ft) of a dwelling as agreed to in writing by the resident(s) of the existing dwelling.
- Alberta Environmental Protection and Enhancement Act
 - The Code of Practice for Asphalt Paving Plants is the code of practice implemented by the province that all Asphalt Paving Plants must adhere to. This code of practice regulates nuisances and operational aspects of this use.

ANALYSIS

- The application meets the regulations outlined in the Land Use Bylaw as the closest dwelling is approximately 890m± to the site and the permit was issued for a temporary period to expire October 31, 2023 – approximately 5 months.
- The plant is ideally located in the area due to the close proximity of the materials needed to produce the asphalt mix and to the highway project area. Temporary Asphalt Plants is also listed as a discretionary use in the Agriculture District however, these locations would require the aggregate to be hauled in addition to the other material required for the asphalt mix which would have increased road use impacts.
- All listed appellants are titled landowners of 26432 Twp Rd 544 which is the property located at approximately 1600m± from the plant site and directly adjacent to the designated haul route for the operation. All listed appellants have indicated an alternate mailing address which implies that they do not reside at the affected address.
- All listed appellants have submitted the identical letter and the following addresses the concerns stated within:
 1. *“Access to the yard site for the Property will be directly affected by the increased commercial traffic.”* There will be an increase in commercial traffic, however, should the asphalt plant be located on another parcel, materials would be required to be hauled out to the alternate site increasing commercial traffic further. Locating the asphalt plant directly onsite allows for internal hauling.
 2. *Increased commercial traffic at the intersection of Hwy 44 and Twp Rd 554. Hwy 44 is currently very busy at this location.*

- a) *How many trucks a day/week are expected?*
Twp Rd 554 is a designated haul route for the industry as such number of trucks was not analysed.
- b) *Has a Traffic Impact Assessment been done?*
No, due to the temporary use and designated haul route.
- c) *Has a Roadside Development Permit from AT been obtained? Note: Roadside Development Permit from Alberta Transportation (AT) #RPATH0008605 was obtained by Heidelberg without written consent or knowledge of the landowners.*
Alberta Transportation Highway Rehabilitation has awarded this project to the applicant. Roadside Development permits are only required for developments within 300 metres of the provincial highway right-of-way boundary. The asphalt plant is located 1200m± from Highway 44 which is therefore exempt. Further, it is understood that adjacent landowner consent or knowledge is not required by the province for Roadside Developments. RPATH0008605 was not provided by the appellant and therefore we cannot comment further.
- d) *If so, what is the expiry date of that permit?*
Condition #4 of the permit states: The temporary asphalt plant shall cease operation by October 31, 2023 and subsequently be removed from the site.
- e) *Is an alternate route available?*
The proposed route from the site only uses 450m of county roads to Hwy 44. The appellants property is the only adjacent dwelling along the haul route. The alternate route would be south along Rge Rd 264, west onto Hwy 633, and then via the roundabout onto Hwy 44. This traffic route would be 5.8km to Hwy 44.
- f) *Have alternate routes been considered?*
The proposed route has the least distance of road use to the project and is economically more feasible. Historically, access to the site was directly from Hwy 44 whereas Alberta Transportation revoked the access and directed it along Twp Rd 554 as it is today.
3. *The proposed hours of operation, six (6) days a week from 7:00 a.m. to 8:00 p.m. Monday to Saturday, are excessive and will negatively affect the Property to October 31, 2023.*
Previous approvals for Temporary Asphalt Plants from this site were permitted to operate seven days and some were allowed during a 24 hour period to take advantage of low traffic volumes.
- a) *What noise levels are expected or allowable for the trucks and the plant?*
The same as the existing traffic.
- b) *What steps will Allied Paving group Ltd. (Allied) be required to take if the noise levels are too high?*
The development will be subject to the conditions of the existing Road Use Agreement. Further, Sturgeon County now has a new Development Compliance

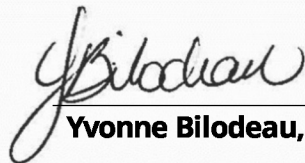
Officer whose primary responsibility it to monitor and enforce the County's regulations and permits for the industry.

4. *Dust suppression is already insufficient at the Property due to the current commercial activity of Heidelberg Materials (Heidelberg).*
 - a) *What are the dust control procedures to be stated in the Roadside Use Agreement?*
Sturgeon County's Transportation Services has allowed the applicant to operate under HMCL's current Road Use Agreement wherein it states daily grading; dust suppression; and repair at the sole responsibility and cost of the hauler.
 - b) *What remedies are available to us if the dust control procedures are not sufficient?* The Compliance Officer can be contacted to address the matter.
5. *Possible smell and health concerns.*
 - a) *Will there be a detectable smell or health hazard related to environmental emissions?*
Asphalt Plants are regulated by the province under the Code of Practice for Asphalt Plants, which include environmental pollution control technology regarding air emissions, effluent steam, odor and dust.
 - b) *If so, what steps will Allied take to mitigate any problems? Will those steps be sufficient?*
Concerns can be made to the Alberta Environment 24Hour Environmental Response Line at 1-800-222-6514.

CONCLUSION

- It is the recommendation of Administration that the Board deny the appeal and uphold the issued permit for the Temporary Asphalt Plant due to the added community benefit and safety related to this highway improvement project.
- Should the Board support the appeal and refuse the permit, the operations would have to find an alternate location and will delay the highway improvement project required by the province.

Prepared By:



Yvonne Bilodeau, Development Officer

Reviewed By:

Tyler McNab Digitally signed by Tyler McNab
Date: 2023.05.31 10:46:42 -06'00'

Tyler McNab, Program Lead, Development & Safety Codes

Subdivision and Development Appeal Board File 023-STU-007, 008, 009, 010

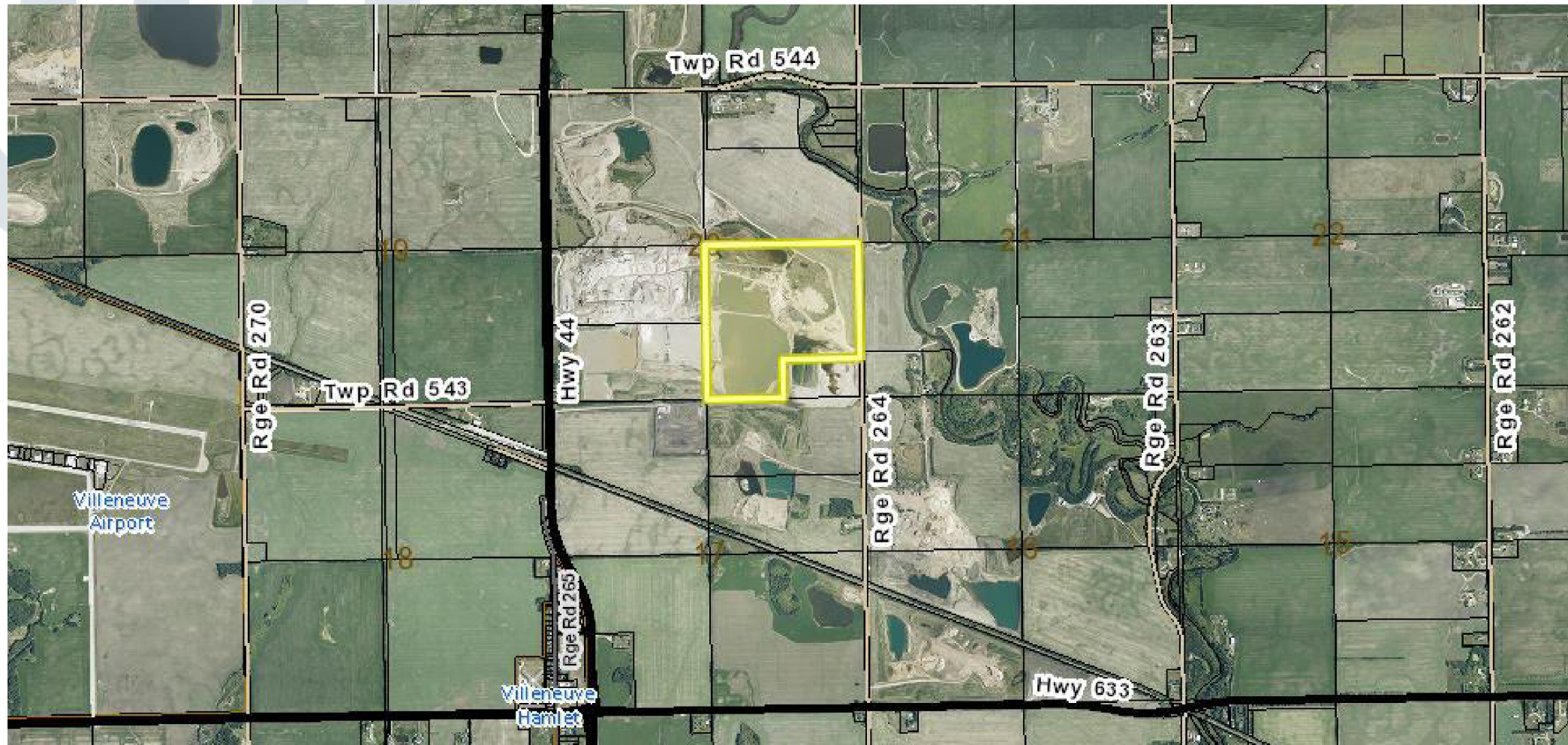
Development Authority Report

June 6, 2023



Sturgeon
C O U N T Y

Site Location



Site Location



Background

Development Authority issued permit approval 305305-23-D0092

- Allied Paving has been awarded Alberta Transportation Highway Rehabilitation Project CON0021741, which was scheduled to commence in May of 2023. This project includes new passing lanes and intersection upgrades to improve safety along Highway 44 between Highway 16 and Westlock.
- The plant is approved to operate between 7:00 AM to 8:00 PM – Monday to Saturday and expires October 31, 2023 wherein the plant will be removed from the site.

Property Information

Owner – Heidelberg Materials Canada Ltd. Formerly Inland/Lehigh

- 3 previous permits have been issued for Temporary Asphalt Plants from this site.
- Other permits have been approved along the haul route west of Hwy 44
- Typically, these plants are set up in close proximity to the project site and to aggregate sites.

Relevant Policy & Legislation

Land Use Bylaw 1387/17

Resource Extraction District The purpose of the district is to provide for the extraction, processing and stockpiling of on-site natural resources on lands.

Section 11.2.2 Uses

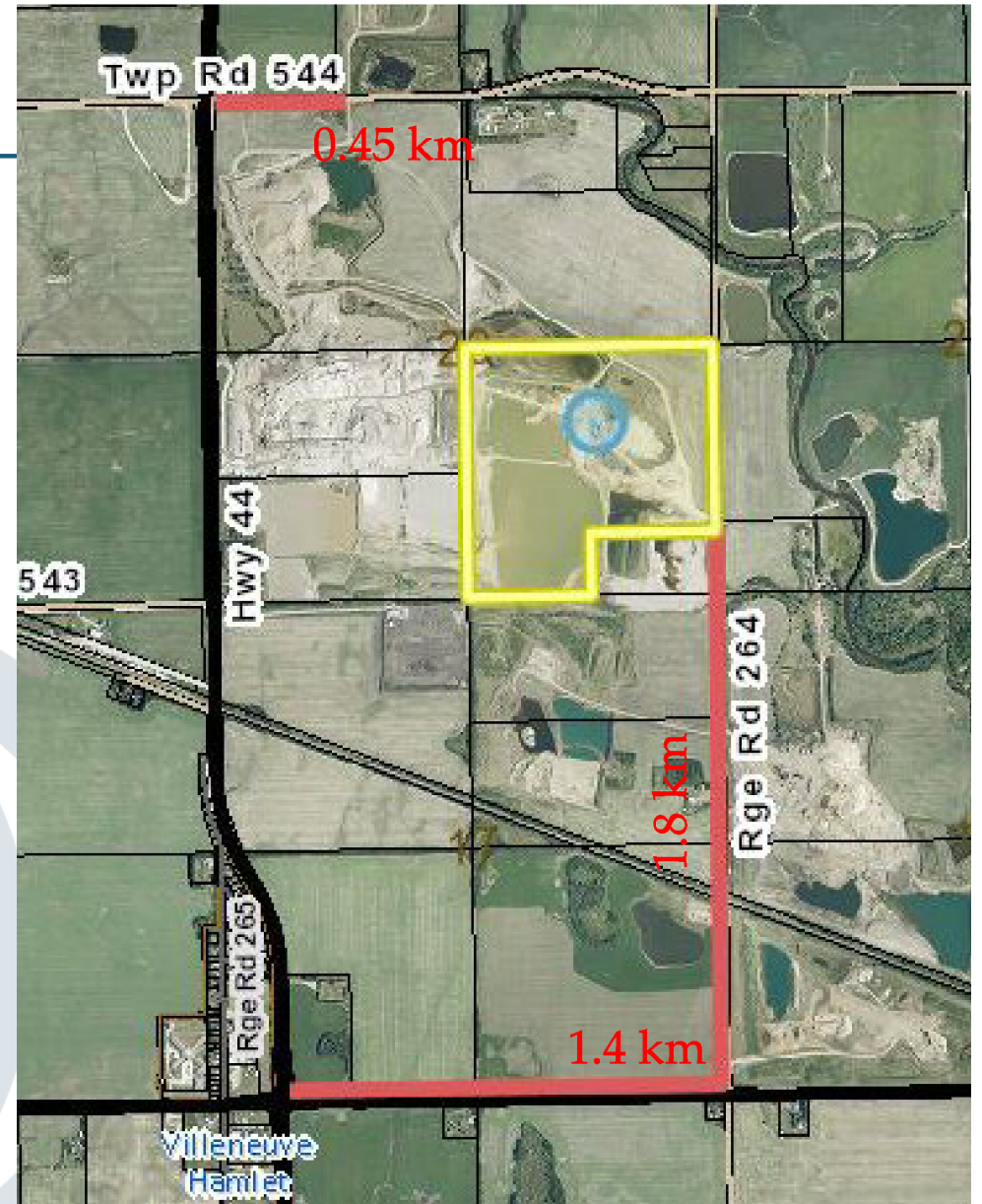
Permitted Uses	Discretionary Uses
<i>Accessory, building</i>	<i>Temporary asphalt plant</i>
<i>Accessory, use</i>	<i>Temporary concrete batch plant</i>
<i>Natural resource extraction</i>	
<i>Secondary processing</i>	

Part 6 Special Regulations for Temporary Asphalt Plants of Section 6.23 state:

1. The period for a development permit for the operation of a temporary asphalt plant or temporary concrete batch plant shall be at the discretion of the Development Authority based on the scope of the project.
2. A temporary asphalt plant or temporary concrete batch plant shall not be located within 400m (1,312.3ft) of a dwelling.
3. Notwithstanding Subsection 6.34.2, a temporary asphalt plant or temporary concrete batch plant may be permitted within 400m (1,312.3ft) of a dwelling as agreed to in writing by the resident(s) of the existing dwelling.

Analysis

1. The application meets the regulations of the Land Use Bylaw.
2. Location is ideal due to close proximity to project and aggregate
3. Proposed haul route has the least use of County Roads and is along a designated haul route for the industry.
4. All other questions of the appellants have been addressed.



Conclusion

- 🕒 It is the recommendation of Administration that the Board deny the appeal and uphold the issued permit for the Temporary Asphalt Plant due to the added community benefit and safety related to this highway improvement project.
- 🕒 Should the Board support the appeal and refuse the permit, the operations would have to find an alternate location and will delay the highway improvement project required by the province.

**APPELLANT
SUBMISSIONS
RECEIVED**

RECEIVED

JUN 01 2023

STURGEON COUNTY

June 01, 2023

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

Attention: Melodie Steele, Subdivision and Development Appeal Board

Re: Development Permit No.: 305305-23-D0092

We are the registered owners of 26432 Twp Rd 544, Sturgeon County (the "Property"). We received notice of the above referenced Development Permit Approval Notification 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. Access to the yard site for the Property will be directly affected by the increased commercial traffic.
 - Trucks 13 hours a day/6 days a week. From the asphalt plant which uses our road to get to highway 44. Plus the traffic from the sand and gravel pit already using the road and intersection.
 - Trucks are already backed up across our driveway waiting to turn north or south on highway 44 making access dangerous and difficult at times.
2. Increased commercial traffic at the intersection of Hwy 44 and Twp Rd 554. Hwy 44 is currently very busy at this location.
 1. How many trucks a day/week are expected?
 2. Has a Traffic Impact Assessment been done?
 3. Has a Roadside Development Permit from AT been obtained? -Note: Roadside Development Permit from Alberta Transportation (AT) #RPATH0008605 was obtained by Heidelberg without written consent or knowledge of the land owners.
 4. If so, what is the expiry date of that permit?
 5. Is an alternate route available?
 6. Have alternate routes been considered?

-Highway 44 is a major north to south high speed corridor that has been getting busier every year with traffic both commercial and private.

- Hwy 44 and Twp Rd 554 is already a very busy intersection. Highway 44 runs north to south with no controlled intersection at Twp Rd 554. Trucks and trailers turning onto and off of highway 44 and Twp Rd 554 are extremely hazardous with multiple lanes to contend with and high speed traffic north to south. Private traffic is very difficult and dangerous at times.
3. The proposed hours of operation, six (6) days a week from 7:00 a.m. to 8:00 p.m. Monday to Saturday, are excessive and will negatively affect the Property to October 31, 2023.
 1. What noise levels are expected or allowable for the trucks and the plant?
 2. What steps will Allied Paving group Ltd. (Allied) be required to take if the noise levels are too high?

-The Truck traffic on Twp Road 554 and Hwy 44 is already heavy. This new asphalt plant will create even more traffic noise. Semi-truck and trailer Air-brakes, Jake brakes and engine retarders, loud screaming diesel engines, air horns, already are too noisy and making inside the house and outside the house unenjoyable and unwelcome, scaring young children and livestock.

4. Dust suppression is already insufficient at the Property due to the current commercial activity of Heidelberg Materials (Heidelberg).
 1. What are the dust control procedures to be stated in the Roadside Use Agreement?
 2. What remedies are available to us if the dust control procedures are not sufficient?

-Dust has crystalline silica in it which when inhaled in humans lungs can exacerbate asthma and bronchitis, damage healthy lungs in adults and children, and livestock. The dust created by the trucks already in use by the sand and gravel pit gets into the house and vehicles, erodes the clear coat and paint on the vehicles and causes outside furniture to become soiled and unusable without constant maintenance. More trucks from the asphalt plant will make this even more of a problem.

5. Possible smell and health concerns.
 1. Will there be a detectable smell or health hazard related to environmental emissions?
 2. If so, what steps will Allied take to mitigate any problems? Will those steps be sufficient?

In our opinion, the presence of the Temporary Asphalt Plant will unduly interfere with the use, enjoyment and value of the Property for the reasons stated above.

Sincerely,

Cheryl Hauptman, Colleen Grant, Karen Morin, Janice Nolte, June Van Brabant, Vivianne Pambrun.

Contact: Janice Nolte

Severed in line with section 17 of the FOIP Act

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JUN 01 2023

STURGEON COUNTY

June 01, 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-D0092

We are the registered owners of 26432 Twp Rd 544, Sturgeon County (the "Property"). We received notice of the above referenced Development Permit Approval Notification 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:

Year after year our country's lifestyle has been changing by our neighbor industry activities which include increased noise, air quality, and traffic. We are objecting to the Development Permit for a Temporary Asphalt Plant. The reason is stated below.

Activities of a company can impact the environment and also the lives of those living near the facility. The plant discharges contaminants into the air the emissions can impact both the quality of the air, possibly in violation of the environmental law, and the health of neighboring residents who inhale them.

Air quality

Jarret Lotta New York Times Article-Who Wants to Live Near an Asphalt Plant? "Dr. Mitchell said that tiny particles in asphalt production plant emissions can cause lung damage, exacerbate breathing conditions and ultimately cause more severe problems". We as residents would like to know how this is monitored and would like to view the reports on the air quality.

As well carbon dioxide emissions by trucks accessing this township road can have adverse health concerns for nearby residents. According to an article by Dong, Sue, Xiao, Liu, Do Carbon Emissions Impact the Health of Residents? "The results indicate that: (1) Carbon emissions have a long-term adverse impact on residents' health". Have any air monitoring processes been done and put in place by our residence? There is certain to be an increase in heavy vehicle traffic with other organization activities within this yard that needs to access Township Road 544 to Highway 44.

Spill protection

Is there a spill protection plan in place? The absence of a spill protection plan can lead to contamination of the shared critical aquifer recharge area in the event there is a spill during the plant's operation and transport. Transportation of all asphalt products is in front of our residence on township Road 544 to Highway 44 as well as regular trucking from the industry yard on this county road.

Noise levels

Is there a noise management program in place along township road 544 to Highway 44? Have permanent signs been displayed that restrict the use of engine retarder brakes along Township Road 544? As well speed limits should be 30/kilometer to and from the yard entrance to the highway which can reduce the noise level. Have engineering controls for noise management been considered?

Heavy Traffic Load

With the sand and gravel company traffic already being high on Twp rd 544 and hwy 44 an increase in truck traffic will make the intersection more dangerous and the road noisier and dustier. Dust control, engine retarder brakes, slower speed limit, restrictions need to be implemented.

What enforcement options is Sturgeon County and or the Province of Alberta going to provide for these restrictions? (ie: Sheriff/By-law/ticketing).

Dust control

It has been only last year in 2022 that adequate dust controls have been put in place. We have had numerous years of uncontrolled dust management along Township Road 544. With the increase in heavy industrial traffic load from the asphalt plant the dust control measures will have to be greatly increased. Are there any improved dust management practices that can be put into place for higher-quality dust control in the future?

Smell

Asphalt plants discharge contaminants, like polycyclic, aromatic compounds, volatile organic compounds, hydrogen sulfide, and metals. These toxic pollutants can cause many health problems, to residents who live near asphalt plants. What odor controls can be put into place if this gets to be a problem? How often will there be a Temporary Portable Asphalt plant at this location every spring to fall? Do we have to endure a permit being issued every year or every two years as asphalt can have a 20-30 year duration? We are the neighbors that are vastly affected by this plant.

Sincerely,

Cheryl Hauptman, Colleen Grant, Karen Morin, Janice Nolte, June Van Brabant, Vivianne Pambrun.

Contact: Janice Nolte ,

Severed in line with section 17 of the FOIP Act

RECEIVED

JUN 01 2023

STURGEON COUNTY

APPLICANT'S SUBMISSIONS RECEIVED



ALLIED PAVING GROUP LTD

Box 390 Lamont, Alberta T0B 2R0 Phone: (780) 895-7579 / Facsimile: (780) 895-2753

May 31, 2023

DELIVERY VIA EMAIL

**STURGEON COUNTY
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**
9613-100 Street
Morinville, Alberta T8R 1L9

Attention: Ms. Melody Steele

Dear Madam:

**RE: NOTICE OF APPEAL BOARD HEARING
DEVELOPMENT PERMIT NUMBER – 305305-23-D0092
SDAB FILE NUMBERS – 023-STU-007 / 023-STU-008 / 023-STU-009/ 023-STU-010**

Further to your correspondence of May 23rd, 2023, and in anticipation of the Notice of Appeal Board Hearing which is scheduled to take place on Tuesday, June the 6th, 2023, Allied Paving Group would like to take this opportunity to address the reasons for appeal with respect to Development Permit Number 305305-23-D0092 in the order you have presented them, and they are as follows:

- 1. Access to the yard site for the Property will be directly affected by the increased commercial traffic.**

Allied Paving will only be utilizing Township Road 554 when paving is occurring. As this project requires a great deal of dirt work, our contribution to the project will be intermittent throughout the course of the summer months. There will be periods (one to two weeks at a time) wherein there will be no additional traffic on this road, so the impact to the residents along Township Road 554 will be minimal or even non-existent.

- 2. There will be an increase in commercial traffic at the intersection of Highway 44 and Township Road 554. Highway 44 is very busy at this location.**

The current traffic volume experienced at this location should not change. As we stated previously, Allied Paving will only be utilizing this road during periods when we are paving. There will be weeks at a time wherein no paving will occur as we wait for our various sub-trades to complete their portion of work along Highway 44.

3. The proposed hours of operation, six (6) days a week from 7:00 AM to 8:00 PM, Monday through Saturday are excessive and negatively affect the Property to October 31, 2023.

The proposed schedule is for periods in which paving is taking place. We will not be running our asphalt plant or paving operations continuously, as stated above, and have made our best efforts to work in conjunction with (or as closely to) Heidelberg Material's hours of operation, which are as follows for the summer months:

Monday through Friday – 6:30 AM to 4:30 PM
Saturdays – 7:30 AM to 3:30 PM

While we appreciate that our hours may run a little longer, the proposed hours of operation fall within the allowable noise from construction ordinance hours, being Monday through Saturday, 7:00 AM to 9:00 PM.

4. Dust suppression is already insufficient at the Property due to the current commercial activity of Heidelberg Materials.

Allied Paving Group will work in conjunction with Heidelberg Materials to maintain the roadway throughout the course of our operations. We will have a water truck on site and will continue to spray the road's surface on the days where we are utilizing the road to assist with dust suppression.

5. There are possible smell and health concerns.

Allied Paving Group adheres to the very strict guidelines set forth by Alberta Environment with respect to asphalt production. The emissions from our plant are regulated and should not have an impact on the public. If any issues arise, Allied Paving Group will work with the County to address any concerns.

We look forward to the appeal board hearing on June the 6th and will be happy to address any additional questions or concerns the Board might have with respect to our Development Permit Application at that time.

Thank you,
ALLIED PAVING GROUPLTD



TARA OSTAFICHUK
Owner/CFO
/tpo