

Subdivision And Development Appeal Board Meeting

Meeting Type : SDAB Subdivision and Development Appeal Board

Date : Friday, June 25, 2010

Start time : 10:00 AM

Location : Council Chambers

CALL TO ORDER The meeting was Called to Order at 10:02 AM by Secretary Twila Bauman, in the presence of the following persons:

ATTENDANCE

- Ron Bobocel, Division Two Councillor
- Cary Smigerowsky, Public Member
- Grant Gillund, Public Member
- Ray Huot, Public Member

ABSENT

- Randy Orichowski, Division Five Councillor

APPOINTMENTS

APPOINTMENT OF CHAIRPERSON Twila Bauman, Secretary called for Nominations for the position of Chairperson.

Cary Smigerowsky nominated Ron Bobocel as the Chairperson of the Subdivision and Development Appeal Board.

Twila Bauman, Secretary announced Seconded Call for Nominations for the position of Chairperson.

Twila Bauman, Secretary announced Third and Final Call for Nominations for the position of Chairperson.

Resolution #SD20100625.1001

HUOT that Nominations cease for the position of Chairperson.

CARRIED

Mr. Ron Bobocel was declared elected by acclamation by the Secretary, as the Chairperson of the Subdivision and Development Appeal Board and assumed the position of Chairperson.

APPOINTMENT OF VICE-CHAIRPERSON

The Chairperson called for Nominations for the position of Vice-Chairperson.

Ray Huot nominated Cary Smigerowsky as the Vice-Chairperson of the Subdivision and Development Appeal Board.

The Chairperson announced Second Call for Nominations for the position of Vice-Chairperson.

The Chairperson announced Third and Final Call for Nominations for the position of Vice-Chairperson.

Resolution #SD20100625.1002

GILLUND that Nominations cease for the position of Vice-Chairperson.

CARRIED

Mr. Cary Smigerowsky was declared elected by acclamation as the Vice-Chairperson of the Subdivision and Development Appeal Board.

APPOINTMENT OF SECRETARY

Resolution #SD20100625.1003

GILLUND that Twila Bauman be appointed to the position of Secretary for the Subdivision and Development Appeal Board.

CARRIED

APPROVAL OF AGENDA

Resolution #SD20100625.1004

HUOT that the Agenda for the Subdivision and Development Appeal Board held be approved as presented.

CARRIED

MINUTES

Resolution #SD20100625.1005

APPROVAL

HUOT that the Subdivision and Development Appeal Board approve the minutes for the meeting held on October 20, 2009, as presented.

CARRIED**RECORD OF PROCEEDINGS****Resolution #SD20100625.1006**

SMIGEROWSKY to confirm the recording of the proceedings for the Subdivision and Development Appeal Board Hearing No. 10-01: DP 019-10 for June 25, 2010.

CARRIED**ANNOUNCEMENT OF APPEAL(S)**

SECRETARY BAUMAN read the Letter of Appeal received from Nick and Evelyn Hutculiak, dated June 8, 2010, which identified the following concerns regarding the approved proposed development:

- negative impact on their land value;
- noise impact;
- odor; and
- future expansion of site.

CALL FOR OBJECTION

CHAIRPERSON BOBOCEL Called for Objections from the Appellants and Gallery to any of the present Board members or staff hearing the Appeal. No Objections were made.

PRESENTATION BY PLANNING AUTHORITY**SDAB 10-01: DP 019-10 ACCESS PIPELINE INC.**

(PRESENTATION BY PLANNING AUTHORITY)
(Issue #20100623001)

Mr. Cory Ollikka, Development Authority Officer presented:

On May 18, 2010, Development Permit Application was received from Access Pipeline Inc. proposing the development of a Pump Station on W ½ NE 32-59-19 W4.

- This quarter section is located at the southwest corner of the intersection of Hwy 831 and Hwy 656. Richardson International is in the NE corner of the parcel with a previously approved 7.74 acre subdivision and has Commercial uses assessed on their parcel.
- The Applicant has submitted a Subdivision Application to subdivide the west 80 acres from the 150.87 acre parcel.
- The Applicant has already made contact with Alberta Transportation to seek approval for highway access off of Hwy 656.
- This Industrial Development is proposed to be a 40 million dollar investment; however is conditional upon the approval of the subdivision and subsequent purchase of the 80 acres being completed.
- "The Smoky Lake Pump Station will provide pumping capacity for the existing 24" blended crude oil pipeline, the existing 16" diluent pipeline and for a future loop pipeline. The entire project will be built and operated by ACCESS Pipeline Inc. The pumping facilities will be designed initially for the blend pipeline and is currently planned to be completed and operational by early 2012."
- Industrial Development is a **Discretionary Use** in the Agricultural District in the Land Use Bylaw and therefore was presented to the Municipal Planning Commission for consideration.

On May 25, 2010, the Municipal Planning Commission approved the Development Permit Application, subject to the condition of receiving Alberta Transportation Approval for development along Hwy 656.

PLANNING DOCUMENT EXCEPTS REFERENCED:

- **Municipal Government Act:** Section 685 Grounds for Appeal
- **Land Use Bylaw 1102-02:** Section 7.0 Agricultural District
- **Municipal Development Plan 1101-02:** Section 4.0 Industrial Development
- **Municipal Government Act:** Section 687(3)

DEVELOPMENT SITE SUITABILITY

- **Topography:** 119.30 acres of the entire 150.87 acres is recorded as undulated on the Assessment Farmland Calculation Report. 30 acres is recorded as undulated with gradual rolling landscape.
- **Soil Characteristics:** According to the Assessment Farmland Calculation Report, the soil is above average for arable land, rated at 61% and 68% compared to the best soil in the County seen at about 80 – 85%.
- **Stormwater collection and disposal:** Proposed site is located within an 80 acre parcel of land and provides adequate setback to avoid any potential run-off to adjacent parcel.
- **Any potential for flooding, subsidence or erosion of the land:** Any potential for flooding, subsidence or erosion of the land; No further impact. The Assessment Farmland Calculation Report records that 30 acres is rated at FD1 (potential for water slough one in five years).
- **Its accessibility to a road:** Adjacent to provincial Hwy 656, therefore Roadside Development Permit Application must be considered and approved by Alberta Transportation prior to development.
- **The availability and adequacy of a water supply, sewage disposal system and solid waste disposal:** Will be provided on site. No impact to the County.
- **The use of land in the vicinity of the land that is the subject of the Application:** Richardson International has a large commercial development on the northeastern most corner of the same quarter section of land (NE 32-59-19 W4), which is located at the SW corner of the intersection of Hwy 831 and Hwy 656.

BOARD QUESTIONS:

In response to questions from the Board, Ollikka made the following comments:

- Cannot ascertain which Act the MGA references in Section 687(3)

PRESENTATION BY APPELLANT

DP 019-10 LETTER OF APPEAL

(PRESENTATION BY APPELLANT)
(Issue #20100630001)

Mrs. Evelyn Hutculiak, Appellant, made the following presentation:

- Would like to see the future expansion plans of the proposed development on the 80 acre parcel;
- Noise impact concerns
 - of currently proposed development;
 - only to increase as part of future expansion;
 - electric motors are noisy - how many and how big?
 - during power outage, would generators be used?
- Vapors concerns
 - of currently proposed development;
 - only to increase as part of future expansion;
 - how are they going to control the smell from vapors?
 - vapors will exist during upon opening the lines;
 - prevailing winds blow directly SE of this site towards yard;
 - herself and daughter have allergies.
- Environmental concerns
 - potential spills;
 - natural water run that flows through that 80 acre parcel.
- Decrease in Land Values
 - unsightly plant with pipes, stacks, motors and bright lights;
 - have talked to a realtor;
- Emergency plans
 - does County have emergency response teams with knowledge besides evacuation of people in the area?
- If this site goes through, then suggestion is to buy them out.
- Will there be high voltage lines?
- Should be stipulations (i.e. gas or diesel engines), plant rows of trees

around site to reduce noise and light.

**APPLICANT'S
RESPONSE TO
APPEAL**

Jamie Wishart, on behalf of Applicant ACCESS Pipeline Inc. made the following comments:

- The proposed development is needed to increase production as part of the expansion of SAGD production in the north;
- This location is optimal position, and if not this, then within 1 or 2 miles of proposed site;
- Consultant hired to conduct a Noise Assessment (submitted to Board), which concluded that the proposed development in addition to current traffic noise of two highways, is expected to be within compliance of Directive 038 and will not have adverse affect on indoor night-time enjoyment.
- Regarding emissions:
 - No flaring on site;
 - no fumes other than maintenance vehicle's exhaust;
- Environmental concerns:
 - approved buckets for waste disposal, with waste to be disposed off-site.
- Parcel size / usage:
 - proposed development site to be 4 hectares (10 acres);
 - the remaining 70 acres will be leased back to current owner for agricultural production.

BOARD QUESTIONS:

In response to questions from the Board, Mr. Wishart and Mr. Kurt Roeboul noted the following:

- Predicted Sound Levels (per Noise Impact Assessment)

RESIDENCE	Day Sound	Allowed	Night Sound	Allowed
#1 - 734 meters NW	45.2	50	36.5	40
#2 - 901 meters SE	50.00	55	40.2	45
#3 - 1325 meters S-SE	50.0	55	40.2	45

- Maintenance events
 - Routine - expected one visit per week;
 - Non Routine - one day every 2-3 weeks (draining down pumps);
 - Vented sump - low vapour pressure product;
- SAGD is an acronym for "Steam Assisted Gravity Directed"

**PRESENTATION BY
PERSONS
SUPPORTING
APPEAL**

**SUPPORTING
APPEAL**

Mr. John Melnyk, Adjacent Landowner spoke in favor of the Appeal, noting the following concerns:

- Owns three quarters of land adjacent to the proposed development;
- Impacts would be greater on abandoned farm yard site, which is closer than the sites referred to in Assessment;
- Concerned regarding his family developing a residence site in the future;
- Can the Applicant provide a guarantee they will stay within noise limits and is there recourse action if they have more noise?
- Due to noise impact, land values will decrease.

BOARD QUESTIONS:

In response to questions from the Board, Mr. Melnyk noted the following:

- His quarter sections are located North, Northwest and West of the proposed development.

PRESENTATION BY

PERSONS OPPOSING APPEAL

REBUTTALS

APPELLANT'S COMMENTS/QUESTIONS:

- Are there going to be power lines?
- Landowner #2 will not be adverse to development as he currently owns the land;
- Does the steam activity pose a threat? and
- Why is the whole 80 acres to be bought?

APPLICANT'S COMMENTS/RESPONSE:

- Yes there will be powerlines, at least 100 kv, but route and size have not been determined;
- When power goes out, the site will shut down - there will be no generator back up;
- Night-time enjoyment is defined as between 10 PM and 7 AM;
- Pump Station will be operated with doors closed and louver that may be opened have been included as part of the Noise Assessment;
- Emission will be of low impact - staff will be working without vapour protection;
- Major overhauls (open lines) will be every 4-5 years;
- Water tributary is approximately 50 meter from corner and does not impact the 4 hectare site; and
- Provincial laws enforce that contaminated runoff cannot go into creek.

BOARD QUESTIONS FOR CLARIFICATIONS

In response to questions from the Board, Mr. Wishart and Mr. Kurt Roeboul noted the following:

- The design plan for control of run-off around the 4 hectare site;
- The proposed site is expected to be approximately 35 feet in height;
- The external lighting is designed to be low impact as it will be an unmanned site;
- Future "loop line" potential refers to a parallel pipeline might be installed alongside the existing pipeline, within the existing right-of-way;
- Four electric motors will produce some heat and the fans has been included in the Noise Assessment model;
- Will be high voltage lines, however power plan is in infancies as far as design; and
- Confirmed that an Emergency Plan protocol is in place to respond to ground spills.

DEVELOPMENT AUTHORITY OFFICER'S FINAL COMMENTS

MR. OLLIKKA, Development Authority Officer stated that the Permit was issued in accordance to the Municipal Development Plan and the Land Use Bylaw of Smoky Lake County and is satisfied with the conditions of the Permit.

APPELLANT'S FINAL COMMENTS

The Appellant indicated there was nothing further to add as Final Comments.

APPLICANT'S FINAL COMMENTS

The Applicant indicated there was nothing further to add as Final Comments.

OTHER PRESENTER'S FINAL COMMENTS

Mr. Melnyk, provided the following Final Comments:

- What guarantee will be offered to ensure that noise will not go over the regulation?
- What guarantee will be provided to ensure land values remain the same?

Kurt Roeboul, responded on behalf of the Applicant:

- They cannot go over the noise limit, or the Permit will be pulled.

Mr. Ollikka, Development Authority Officer offered the following comment:

- It is his understanding if the noise regulation is breached two actions can be taken;
 - the provincial will shut down operations; and / or
 - civil action can be taken by those affected.

QUESTION OF FAIR HEARING

CHAIRPERSON BOBOCEL asked those who made presentations if they had a fair hearing.

No Objections made.

CONCLUSION OF PUBLIC HEARING

CHAIRPERSON BOBOCEL declared that the Subdivision and Development Appeal Board Hearing against Development Permit 019-10 on Friday, June 25, 2010 is concluded, time 11:35 AM.

RECESS

CHAIRPERSON BOBOCEL called the Subdivision and Development Appeal Board Meeting to Recess, time 11:40 AM.

RECONVENE

CHAIRPERSON BOBOCEL called the Subdivision and Development Appeal Board Meeting to Reconvene, time 11:50 AM.

DELIBERATION AND DECISION**EXECUTIVE SESSION****Resolution #SD20100625.1007**

HUOT that the Subdivision and Development Appeal Board go into Executive Session, time 11:50 AM.

CARRIED**Resolution #SD20100625.1008**

HUOT that the Subdivision and Development Appeal Board go out of Executive Session, time 12:12 PM.

CARRIED**DECISION****Resolution #SD20100625.1009**

GILLUND that the Subdivision and Development Appeal Board Deny the Appeal, with the written Decision to be prepared by the Secretary and the Chairperson and to be signed by the Chairperson.

CARRIED**ADJOURNMENT****Resolution #SD20100625.1010**

SMIGEROWSKY that this Subdivision and Development Appeal Board Meeting be adjourned, time 12:15 PM.

CARRIED

 Chairperson

- SEAL -

 Recording Secretary