

## Request for Decision

<b>Title</b>	<p><b>Lehigh Hanson Materials Limited</b></p> <ul style="list-style-type: none"> <li>• <b>Bylaw 1394/17 – Amendment to the Calahoo-Villeneuve Sand &amp; Gravel Extraction Area Structure Plan Bylaw 922/01 (Second and Third Reading)</b></li> <li>• <b>Bylaw 1395/17 – Amendment to the Land Use Bylaw 1385/17 (Second and Third Reading)</b></li> </ul>
<b>Proposed Motion</b>	<ol style="list-style-type: none"> <li>1. That Council give second reading to Bylaw 1394/17.</li> <li>2. That Council give third reading to Bylaw 1394/17.</li> <li>3. That Council give second reading to Bylaw 1395/17.</li> <li>4. That Council give third reading to Bylaw 1395/17.</li> </ol>
<b>Administrative Recommendation</b>	<p>That Council approve second and third reading of Bylaws 1394/17 and 1395/17 for the following reasons:</p> <ul style="list-style-type: none"> <li>• The MDP identifies aggregate extraction as a significant economic contributor for this area of the County, and</li> <li>• The applicant will be implementing mitigation measures that will minimize the impacts on surrounding landowners.</li> </ul>
<b>Previous Council Direction</b>	<p><u>November 28, 2017</u></p> <p>Motion 446/17: That Council give first reading to Bylaw 1394/17.</p> <p>Motion 447/17: That Council give first reading to Bylaw 1395/17.</p>
<b>Report</b>	<p><u>Background Information</u></p> <ul style="list-style-type: none"> <li>▪ Aspen Land Group Inc., on behalf of Lehigh Hanson Materials Limited (Lehigh), has applied to amend the Calahoo-Villeneuve Sand &amp; Gravel Area Structure Plan (CVASP) Bylaw 922/01 and the Land Use Bylaw (LUB) 1385/17 for a sand and gravel operation on the SE-16-54-26-W4M.</li> <li>▪ According to Lehigh, the reason they are interested in extracting aggregate from the SE-16-54-26-W4M is because there is a viable amount of non-renewable aggregate in the ground, relatively close to the Metro Edmonton Region market. Before Lehigh moves onto a new area they want to ensure that they remove as much of the material as possible so that they don't sterilize the material or have to come back in the future to extract it.</li> <li>▪ On January 23, 2018, Council held a Public Hearing to provide an opportunity for members of the public to present their comments to Council regarding proposed Bylaws 1394/17 and 1395/17. At the Public</li> </ul>

Hearing there were eight (8) submissions against the proposed bylaws. The main reasons against the proposed amendments are as follows:

- There is no direct financial compensation to the landowners in the area.
  - Residents believe that they should be considered as living in a Country Residential subdivision.
  - Concerns were raised about the potential increase in dust and noise.
  - Concerns were raised about ensuring quality of well water.
  - Residents believe there will be a decrease in property values up to 30% to 50%.
  - Concerns were raised suggesting the timelines for extraction will not be adhered to, citing prior requests by industry for extension of permit timelines.
  - The land is currently zoned as Agriculture and it should stay that way.
  - Why does the applicant need another place to mine, while they still have other areas being mined?
  - Concerns with the changes to the Quick Extraction Area policy.
  - The Subdivision and Development Appeal Board (SDAB) denied a development permit for resource extraction in 2016 on the subject site.
  - When the residents bought their property, the Area Structure Plan (ASP) didn't indicate that gravel extraction was allowed on the subject site.
- There were seven (7) submissions in support of the proposed bylaws. The main reasons for support of the proposed amendments are as follows:
- Gravel is a staple of the construction industry and a key component of infrastructure, roads and development.
  - The gravel companies have been working in this area for many years and they haven't had any issues with them.
  - This is a non-renewable resource, which should be extracted instead of being sterilized.
  - Affordable gravel is necessary for the continued growth of the region.
  - If this resource was not accessible it would affect construction and maintenance costs (for roads), which would increase our taxes.
  - There may be viable aggregate deposits on other lands in the area, which they would like to see mined.
- After hearing the comments and concerns that were raised at the public hearing, Administration has the following information to provide for clarity:
- With the probable CAP levy increase from \$0.25/tonne to \$0.40/tonne, there may be future financial benefit to the County.

- The residential density of this area is significantly lower than the hamlets and existing Country Residential subdivisions in the area.
- Lehigh hired an acoustics, noise, and vibration scientist to determine the ideal placement and size of the berms to limit the noise impacts to the neighboring residents. The material that is proposed to be extracted will be removed wet and the hauling will be away from the residents, which should reduce the amount of dust.
- There are two (2) existing monitoring wells, and Lehigh is proposing to install a new monitoring well between their proposed extraction area and the residents' properties. If residents believe that their water wells are being affected, they can contact Lehigh and they will follow their "Neighbour Water Supply Guideline". Lehigh will have a qualified hydrogeological consultant retained to review all available information, test the affected water source and determine the likely cause of the concern; and if it is determined they caused the issue, they will install at their cost a new water source with water quality and quantity equivalent to the affected water source. Arrangements may also be made to accommodate affected individuals offsite or with a temporary water supply until the new installation is complete.
- Assessment Services looked at several properties within proximity to the active gravel operations, and no evidence was found to support a drop-in value of 30%, and these properties have kept pace with other properties in their market area.
- Lehigh has indicated that they will make all reasonable efforts to meet the anticipated timeline of eight (8) years. Comments were made at the public hearing regarding existing pits in the area which have sat idle for years with little progression. Some of the gravel pits in this area were approved in the past with limited conditions.
- Sand and gravel extraction operations are required to be reclaimed to an equivalent agricultural capacity when the extraction is complete.
- Having multiple active pits being mined concurrently allows Lehigh to strip in one location, dewater in another, extract somewhere else and reclaim in another area, all in the same season.
- The proposed changes to the Quick Extraction Area will have no impact on this proposed development or the residents in this area, as the subject site is not in an area designated Quick Extraction.
- The applicant has now applied to amend the Land Use Bylaw and the Area Structure Plan. If the amendments are approved by council, the applicant could then apply for a development permit.

- A development permit (305305-15-D0258) application was previously approved by Sturgeon County’s Municipal Planning Commission (July 5, 2016) under Land Use Bylaw No. 819/96, and upon appeal, the Subdivision and Development Appeal Board (SDAB) (August 9, 2016) overturned the approval. The SDAB supported the appeal as:
  1. The application was contradictory to the CVASP. The CVASP designates this area for Agriculture.
    - Lehigh has applied to amend the CVASP from “Agricultural” to “Resource Extraction Area”.
  2. The SDAB also stated that additional community and neighbourhood consultation is required before the application should proceed.
    - Lehigh held an open house on January 24, 2017 from 5:00 pm to 7:00 pm at the Villeneuve Hall to provide an opportunity for public consultation. As well, as the part of the amendment process, a Public Hearing was held to provide the community an opportunity to have Council hear their comments and concerns regarding the proposed ASP and LUB amendments.
  3. The Board believed while the area is zoned Agriculture, the residential density exceeds the intended use of the area and therefore significantly impacts the quality of life and amenities of the community.
  4. The report referenced in condition #2 of the approval was not provided to the affected landowners
- Section 7.2.2 of the CVASP allows extraction to be permitted within 400m of an individual residence where provisions are made regarding site-specific mitigation of noise, dust, visual, traffic, lighting and other effects of the operation, as agreed to by the resident in writing.
- If these amendments are approved and a development permit is issued, one of the conditions will be for a 400m setback to be maintained from the edge of the operating area, until a written agreement has been reached with any individual residences.
- The proposed amendments were presented to the Calahoo Villeneuve Gravel Extraction Committee on May 3, 2017. No concerns were raised by the committee.
- There were several other comments that were received from internal departments and external agencies, which are detailed in nature and can be dealt with at time of development permit. These comments focused around the following areas; ground water monitoring and testing; dust and noise control; haul routes; hours of operation and berm design criteria.
- Administration has reviewed this amendment against the Ministerial Order No. L: 111/17 “Regional Evaluation Framework” and has determined that a REF application is not required to be submitted to the

Edmonton Metropolitan Region Board for review and approval as per section 4.2.

External Communication

- Notifications for the Public Hearing were placed in the January 9 and January 16, 2018 editions of the *Free Press*, and in the January 10 and January 17, 2018 editions of the *St. Albert Gazette*, in accordance with the *Municipal Government Act*.
- In addition, letters were sent to landowners within 1200m of the subject parcel.

Relevant Policy/Legislation/Practices:

Municipal Development Plan 1313/13, Section E.4 Economic Health

- This section of the MDP identifies aggregate extraction as a significant economic contributor for this area of the County.

Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan 922/01:

- Section 7.2.2 Separation Between Sand and Gravel Extraction and Residential Development
- Section 8.1 Quick Extraction Policy Area, Location and Area

The *Municipal Government Act*, R.S.A. 2000 c.M-26, and amendments thereto (MGA) authorizes Council to establish and amend Bylaws.

Provision 692 of the MGA requires that a municipality hold a public hearing prior to giving second reading to a proposed bylaw.

Ministerial Order No. L: 111/17 (Effective October 26, 2017)

- Section 4.2 of the Order lays out when a statutory plan amendment must be submitted as an application to the Edmonton Metropolitan Region Board in accordance with Regional Evaluation Framework (REF) process.

**Implication**

Strategic Alignment:

**Planned Growth and Prosperity** – Allowing the applicant to extract the sand and gravel demonstrates that Sturgeon County has a business environment that supports a strong economic foundation, while mitigating impacts on current residents.




**Maintain and Enhance Strong Communities** – the CAP levies collected from this operation will go directly back to the Calahoo-Villeneuve area.

Organizational:

Administration will coordinate the amendments to the Area Structure Plan and the Land Use Bylaw.

Financial:

This extension would enhance the amount of money the County would receive under the CAP Levy.

<b>Alternatives Considered</b>	<p>1. Council can refer the bylaw(s) back to Administration for more information, prior to considering second reading of the bylaw(s).</p> <p>2. Council can refuse to grant second reading of the bylaw(s), which would result in the current application being terminated.</p>
<b>Implications of Alternatives</b>	<p><u>Strategic Alignment:</u></p> <p>Alternative 1: Administration believes that there is sufficient information for Council to approve second reading of the bylaw, and subsequently third reading.</p> <p>Alternative 2: If Council refused to grant second reading the proposal would be defeated.</p> <p><u>Organizational:</u></p> <ul style="list-style-type: none"> <li>▪ Alternative 1: Administration will work with the applicant as required.</li> <li>▪ Alternative 2: Administration will close the amendment file.</li> </ul> <p><u>Financial:</u></p> <ul style="list-style-type: none"> <li>▪ Alternative 1: This will require additional staff time, which will have a limited financial implication.</li> <li>▪ Alternative 2: Administration will close the amendment file.</li> </ul>
<b>Follow up Action</b>	Administration will coordinate the amendments to the Area Structure Plan and the Land Use Bylaw.
<b>Attachment(s)</b>	<p>1. Bylaw 1394/17 CVASP Amendment</p> <p>2. Bylaw 1394/17 Schedule A</p> <p>3. Bylaw 1395/17 LUB Amendment</p> <p>4. Bylaw 1395/17 Schedule A</p>
<b>Report Reviewed by:</b>	<p> Colin Krywiak, Acting Manager Planning &amp; Development</p> <p> Collin Steffes, General Manager, Integrated Growth</p> <p> Bill Minnes, County Commissioner-CAO</p>

## Strategic Alignment Checklist

**Vision:** Sturgeon County: a diverse, active community that pioneers opportunities and promotes initiative while embracing rural lifestyles.

**Mission:** Provide quality, cost effective services and infrastructure to meet the diverse needs of the Sturgeon County community, while improving competitiveness and sustainability.

Focus Areas	Not consistent	N/A	Consistent
<b>Strong Local Governance and Regional Leadership</b>			
<i>We promote consistent and accountable leadership through collaborative and transparent processes (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Consistent with neighborhood role (see MDP), master plans, policies</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Considers fiscal stability and sustainability</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Has a positive impact on regional and sub-regional cooperation</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Respect the Natural Environment</b>			
<i>We acknowledge the importance of a healthy environment and will minimize and monitor our impact on ecosystems (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Compliance with Provincial and Federal regulations and/or legislation</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Ensure effective environmental risk management</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Community Identity &amp; Spirit</b>			
<i>We will build upon our strengths, where together we will create an inclusive, caring community (Strategic Plan, (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Promotes and/or enhances residents' identification with Sturgeon County</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Enhances service provision through community partnerships</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Supports Sturgeon County's cultural history</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Planned Growth and Prosperity</b>			
<i>We encourage varied and integrated enterprises that enhance our strong economic base, while balancing the needs of the community and natural environment. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 25 MDP</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Considers cumulative costs and long-term funding implications</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Targets growth around current or planned infrastructure</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Maintain and Enhance Strong Communities</b>			
<i>We are committed to a safe, secure community, where our residents are respected and provided with access to opportunities. (Strategic Plan, pg. 27 MDP)</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Positive impact on residents' quality of life</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Supports and promotes volunteer efforts</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Provides programs and services that are accessible to all residents</i></li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Operational Excellence</b>			
<i>We have the organizational capability to deliver consistent and defined levels of service to all stakeholders in a professional, efficient, and cost-effective manner</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Staff have the knowledge, skills and capability to perform their jobs</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Streamlines operational processes and policies</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Promotes engagement and professional interaction with stakeholders</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• <i>Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context</i></li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>