

Request for Decision

Title	Bylaw 1387/17 – Lafarge Canada – Calahoo Villeneuve Sand and Gravel Area Structure Plan Amendment (Second and Third Reading)
Proposed Motion	<ol style="list-style-type: none"> 1. That Council give second reading to Bylaw 1387/17 to amend the Calahoo Villeneuve Sand and Gravel Area Structure Plan. 2. That Council give third reading to Bylaw 1387/17.
Administrative Recommendation	Administration recommends consideration of both second and third readings in the interest of having the resources extracted with the appropriate mitigation measures in place and lands reclaimed in accordance to Alberta Environment and Parks requirements.
Previous Council Direction	<p>April 11, 2017 – Council held a Public Hearing during the regular Council Meeting to hear from Members of the Public.</p> <p>February 28, 2017 – Motion 093/17: That Council give first reading of Bylaw 1387/17 to amend the Calahoo Villeneuve Sand and Gravel Area Structure Plan.</p>
Report	<p><u>Background Information</u></p> <ul style="list-style-type: none"> ▪ On April 11, 2017, County Council held a public hearing to obtain input on from the public on the proposed bylaw. At the hearing, Members of the Public expressed several comments and questions. As such, the comments/questions are summarized below, along with Administration’s response: <ul style="list-style-type: none"> ○ Concerns that Gravel Companies don’t follow the regulations (timeframes) within the Area Structure Plan (ASP). <ul style="list-style-type: none"> - <i>According to the Sand & Gravel Committee, the time frames within the ASP are no longer attainable or realistic. As a result, Administration has met with both Lafarge and Inland, and both are considering ways to address. This may result in further amendments and public input.</i> ○ Friesen Pit has been renewed several times. <ul style="list-style-type: none"> - <i>In Administration’s and Sturgeon County solicitor’s opinion, the Friesen Pit should not have been designated as a quick extraction area. This Pit has a valid development permit, for resource extraction with no expiry date, which was issued prior to the ASP being adopted by Council. Therefore, the policy of a quick extraction area does not bind it as per the ASP.</i>

- No pits have been reclaimed within the ASP area to date.
 - *Several portions or entire pits have been reclaimed, including Lafarge's Villeneuve, Belanger, Stollery Borle, Stollery and Saligo pits.*
- Aggregate operations in the Quick Extraction Area are limited to the Summer (as per Development Permit conditions).
 - *The hours of operation are a condition of their current development permits, based on their requested hours of operation. These hours can be changed to include all-seasonal operations, if Council chooses to grant a new development permit (all development permits in this district go to Council for approval).*
- When the ASP was created 16 years ago, the gravel companies did not have all the site specific, technical, and operational information regarding the land, that they have today.
- The ASP was created to be a guideline, not a detailed mining plan. It was created with the best information of the day, but it does not reflect the current operational circumstances.
 - *Typically, statutory plans (ASPs) get reviewed and updated every five years. In this case, the Sand and Gravel ASP has not undergone a critical review and update since its inception.*
- The operation is moving away from the residents of Turf Side and Hanson.
 - *As the operation moves further to the east, the impacts (noise, traffic, dust and water well levels) to the nearby residents should decrease.*
- What is Quick Extraction versus regular gravel extraction?
 - *The Quick Extraction Policy Area was created based on several objectives, including provision of a framework for phased development of sand and gravel resources in the shortest possible time. In most cases, regular gravel extraction includes extended periods of no activity within the pit even though there are no operational constraints preventing activity. This can occur because there is no market demand, or because aggregate is being preserved for future operations.*
- What communications have been provided to the community?
 - *With regards to this amendment the Public Hearing was communication to the community. Lafarge and Inland are looking at holding a joint Open House soon, to inform the public on what they are planning.*
- How much has Lafarge contributed to the CAP levy?
 - *Lafarge has contributed approximately \$2.5 million, since the CAP levy was introduced.*
- What is the process for a resident to have a complaint dealt with?
 - *Aggregate Operators have signs displayed with a phone number where residents can call and express their concerns. Copies of plans for how they deal with various situations are also*

- submitted to the County as part of their development permit. Alternatively, residents can contact Sturgeon County.*
- Concerned with the activity that is occurring in the cul-de-sacs of the road closure (partying, fires, dumping garbage).
 - *Contact information was to be provided to Lafarge by Cllr. Shaw to outline how other companies have dealt with this in other areas of the County. That being said, these are enforcement/policing matters, and are not exclusively Lafarge's responsibility to deal with.*
 - What are the long-term effects on the aquifer and water well levels?
 - *The County has been monitoring wells in the area since 2001. The findings have shown that after pit activities are completed, water levels rebound to initial levels and quantity as pre-gravel extraction.*
 - Who is responsible for dust control for the haul route?
 - *TwpRd 544 from just East of RgeRd 272 to Hwy 44 is under a Road Use Agreement with Sturgeon County Transportation Services. The haul roads west of this location are located on private lands. The detour route that Lafarge has in place has Lafarge funding the dust control. Last year an additional 800m was added to include the section of RgeRd 275 south of TwpRd 544 adjacent to Glory Hills subdivision.*
 - What will the area be reclaimed to?
 - *Lafarge is proposing to construct six end pit waterbodies and three pretreatment waterbodies within extraction Zones 1, 3, 5 and 6. Three of these end pit waterbodies and three pretreatment waterbodies will be constructed within Extraction Zones 1 and 3 (N 1/2 28-54-27-W4M). The remaining land will be put back into agricultural production.*
 - The detour adds an additional 8 minutes to commute times.
 - The increased traffic going through the Hamlet of Calahoo is a safety concern to children playing on the road and people walking on the road.
 - Is Campsite Rd still expected to be opened in 2018?
 - *The County has a Development Agreement with Lafarge to have the road re-opened by December 2018. Any changes to this agreement will require an amendment to the ASP, which requires public input, as well as an addendum to the Development Agreement.*
 - Is Campsite Rd going to be paved?
 - *The ultimate plan is for Campsite Rd to be paved between Hwy 633 and Hwy 37. This roadway is being scheduled into the County's 4-Stage Capital Plan for upgrading. First portion is from TwpRd 544 south to Hwy 633. The 1km of roadway that Lafarge currently has closed will be reconstructed along with the subgrade to support pavement and providing the dollars for the installation of pavement for the section of roadway. RgeRd 274 north of TwpRd 544 to Hwy 37 also to be added into the 4-Stage Capital Plan for Council review and approval.*

- Would like an open house for the residents to express their concerns.
 - *Since most of the comments heard at the public hearing were not specific to this amendment, but rather into aggregate extraction in the area, it was recommended to the area operators to hold a joint open house to listen to the residents and to provide information and resolution to the concerns raised.*
- The wording on the 'Road Closed' sign is not clear and should be made clearer that the road is in fact 'Closed'.
 - *Sturgeon County will take this under advisement, regarding future temporary road closures.*
- The signs are not placed in locations which are visible.
 - *Signs are located at both north and south extents along Provincial highways in a manner to ensure vehicles do not try to drive through the closed section. Also at each intersection both North and South of the closure, stop signs have been relocated to ensure vehicles stop and have opportunity to read the road closure sign.*
- Individuals believe that the County or Aggregate Operators should compensate them because they had to detour because of the road closure.
 - *The Aggregate Operators contribute \$0.25 per tonne to the County, which goes back into the communities that are affected by aggregate extraction.*
 - *Some examples of projects that benefited from the CAP levy in the past three years were:*
 - *Carpet, and asphalt parking lot for the Villeneuve Athletic Club;*
 - *Significant contribution to the construction of the Calahoo Community Hall;*
 - *Resident equipment and supplies for West Sturgeon Aging in Place;*
 - *Operating Assistance for the West Sturgeon Ag Society, Villeneuve Athletic Association, Calahoo Golden Agers, Villeneuve Happy Sixties;*
 - *Security fence for Villeneuve Athletic Club;*
 - *Water and sump pump sensors for flood notification, and emergency radios for West Sturgeon Aging in Place;*
 - *Skid steer and snow removal attachments for West Sturgeon Ag Society;*
 - *Scissor lift for Villeneuve Athletic Association; and*
 - *HD video surveillance system for West Sturgeon Aging in Place.*
- Individuals believe that the County should be lowering the taxes of those who are affected by aggregate operations, as well as providing them with free gravel for their driveways.
- The County should guarantee that Campsite Rd will be paved immediately upon the road being reopened.
- General complaints regarding the quality of roads.

- Aspen Land Group Inc. on behalf of Lafarge Canada Inc. has applied for a text amendment to change the operational timelines for the Quick Extraction policy area, specifically for their Zone 1 from four (4) years to nine (9) years.
- In December 2016, the application was circulated to internal departments and external agencies; no objections or concerns were noted.
- The application was also referred to the Sand and Gravel Committee, which provided the following comments for Councils consideration:
 - Timelines established in the 2001 ASP Bylaw are no longer attainable or realistic.
 - Economy, changes in operation and reclamation planning all impact the timelines.
 - The Committee did not identify any concerns or objections with the proposed time extension on this application.

External Communication

- The application has been circulated to the County’s internal departments, and to external agencies, such as but not limited to Alberta Transportation, Alberta Health Services and Alberta Environment.
- Prior to the Public Hearing landowners within 800m of the subject lands were mailed an invitation to the hearing as well as newspaper ads were placed for two (2) consecutive weeks in the local papers (*Free Press* (March 28 and April 4) and *St. Albert Gazette* (March 29 and April 5)).

Relevant Policy/Legislation/Practices:




Policy

- 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 8.4 Limited Extraction Period.
- The *Municipal Government Act*, RSA 2000 c.M-26, and amendments thereto authorize Council to establish and amend Bylaws.
- Provision 692 of the *Municipal Government Act*, RSA 2000 c.M-26, and amendments thereto requires that a municipality hold a public hearing prior to giving second reading to a proposed bylaw.

Implication

Strategic Alignment:

Strong Local Governance and Regional Leadership – extending the operational period for this pit will allow the County to collect more within the Community Aggregate Payment (CAP) Levy.

	<p>Maintain and Enhance Strong Communities – the CAP levies collected from this operation will go directly back into the Calahoo–Villeneuve community.</p> <p><u>Organizational:</u> Administration will coordinate the necessary changes to the ASP.</p> <p><u>Financial:</u> This extension would increase the amount of money the County would receive under the CAP Levy.</p>
<p>Alternatives Considered</p>	<p>Council can refuse to grant second reading of the bylaw, which would result in the current application being terminated.</p>
<p>Implications of Alternatives</p>	<p><u>Strategic Alignment:</u> If Council refused to grant second reading the proposal would be defeated.</p> <p><u>Organizational:</u> Administration will close the amendment file and ensure the applicant operates within the current approval.</p> <p><u>Financial:</u> The County would lose CAP Levy contributions for the aggregate that would be sterilized unless future amendments are considered.</p>
<p>Follow up Action</p>	<p>Administration will ensure that the ASP is amended accordingly.</p>
<p>Attachment(s)</p>	<p>1. Bylaw 1387/17</p>
<p>Report Reviewed by:</p>	<p> Clayton Kittlitz, Manager Current Planning & Development</p> <p> Stephane Labonne, General Manager - Integrated Growth</p> <p> Peter Tarnawsky, 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
Strong Local Governance and Regional Leadership			
<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"> <i>Consistent with neighborhood role (see MDP), master plans, policies</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers fiscal stability and sustainability</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Has a positive impact on regional and sub-regional cooperation</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Respect the Natural Environment			
<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"> <i>Compliance with Provincial and Federal regulations and/or legislation</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Ensure effective environmental risk management</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Identity & Spirit			
<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 type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Promotes and/or enhances residents' identification with Sturgeon County</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Enhances service provision through community partnerships</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Supports Sturgeon County's cultural history</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Planned Growth and Prosperity			
<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"> <i>Does the proposal align with the Integrated Regional Growth Strategy (map/policies) pg. 26 MDP</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers cumulative costs and long-term funding implications</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Targets growth around current or planned infrastructure</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maintain and Enhance Strong Communities			
<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"> <i>Positive impact on residents' quality of life</i> 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <i>Supports and promotes volunteer efforts</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Provides programs and services that are accessible to all residents</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational Excellence			
<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"> <i>Staff have the knowledge, skills and capability to perform their jobs</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Streamlines operational processes and policies</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Promotes engagement and professional interaction with stakeholders</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <i>Considers a cost-structure which allows Sturgeon County to remain competitive within a regional, national and global context</i> 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>