

Wheatland County

Request for Decision

Regular Council Meeting

August 18, 2020

Report prepared by: Megan Williams



Bylaw 2020-21 Agricultural General to Natural Resource Extraction: Public Hearing, Second & Third Reading.

Recommendation from Administration

Resolution 1: That Council undertake the Public Hearing for Bylaw 2020-21.

Resolution 2: That Council move Second Reading of Bylaw 2020-21, this being a bylaw for the purpose of amending Land Use Bylaw No. 2016-01 to redesignate 156.01 acres within NE-4-22-25-W4M from Agricultural General (AG) District to Natural Resource Extraction (NRE) District as shown on the attached schedule 'A' forming part of this bylaw.

Resolution 3: That Council move Third Reading of Bylaw 2020-21, this being a bylaw for the purpose of amending Land Use Bylaw No. 2016-01 to redesignate 156.01 acres within NE-4-22-25-W4M from Agricultural General (AG) District to Natural Resource Extraction (NRE) District as shown on the attached schedule 'A' forming part of this bylaw.

Chief Administrative Officer's Comments

N/A

Report

Division: Division 3

Background

New natural resource extraction proposals are required to redesignate to the Natural Resource Extraction District. This parcel had a development permit for a gravel pit approved in 1979 that had expired as development had not commenced within the year. The parcel is currently cultivated and contains a WID canal and pipeline running parallel to Township Road 221 on the northern parcel boundary. As the proposed limit of disturbance is 54.67 hectares (135 acres), the developer is required to register their pit with Alberta Environment and Parks and will need to follow the requirements of the Code of Practice for Pits.

Development Phasing & Reclamation

The developer submitted a phasing plan which is included in the map package. They are expecting to open the pit in nine phases, reclaiming each phase with overburden and topsoil as they open a new phase. They intend to limit the amount of disturbance to +/-5 hectares (+/-12.3 acres) at a time. This will be part of the letter of intent when the Development Permit application is submitted.

Traffic Impact Assessment

The developer submitted a Traffic Impact Assessment which analyzed the Secondary Highway 817 and Township Road 221 intersection and the Highway 24 and Secondary Highway 817 intersection. They drew the following conclusions:

- Highway 24 and Highway 817 intersection
 - A signal is not needed,

- Partial illumination may be warranted,
- An intersection upgrade is not required.
- Highway 817 and Township 221 intersection
 - A signal is not needed,
 - Illumination is not warranted,
 - An intersection upgrade is not required.

The engineer included in their conclusion regarding the intersection upgrades that Alberta Transportation is considering a medium-term plan (+5 years) to re-align the Highway 24/817 intersection and modify it into a single-lane roundabout.

The expected level of traffic is 80 truck trips over the course of a day (40 inbound, 40 outbound) for 7 months. Hauling hours will be from 7am to 5pm, Monday through Friday and occasionally Saturdays.

The developer included the conceptual haul route, the gravel will be taken from the proposed parcel to the Carseland Pit in Vulcan County. The haul route has been included in the map package.

Currently the approach to the parcel is off Township Road 221 on the northwest side of the parcel. The developer is proposing to move the approach 120 metres east to improve sight lines.

Drainage

Currently the drainage flows southwest and southeast off the parcel. The conceptual rehabilitation proposes containing the runoff to the northeastern section of the proposed pit.

Environmental Site Assessment

The Phase 1 ESA concluded that the site is considered to have low environmental risk.

Historical Resources Impact Assessment

Once the gravel pit operations have initiated, an Historical Resources Impact Assessment shall be carried out for palaeontological resources. For Aboriginal Traditional Use Sites, Archeological Resources, Historic Structures, and Provincially Designated Historic Resources there are no additional requirements excluding the requirement to report a discovery of any of the aforementioned historic resources.

Community Consultation

The developer completed a Mailout to residences within 1.6km of the haul route and proposed development. The comments they received, and their responses are included in this package.

Nuisance mitigation

The developer has proposed the following noise control measures:

- The equipment will be properly maintained and located in such a manner to minimize the impact of noise generating ability.
- Strobe lights will be used during hours of darkness instead of back up beeper alarm systems.
- All trucks hauling from the site will be in good working order.
- The use of engine retarder breaks will be prohibited within the Pit and along the haul route.

To mitigate dust, they propose to use water and/or other dust control agents. They explain that if dust cannot be controlled within the pit during windy conditions, they will temporarily suspend pit operations until the dust can be controlled. Any long-term stockpiles of reclamation material will be seeded to a grass mix.

The above are only proposed at this time. If approved the developer would need to submit a development permit application. The application will include a letter of intent that outlines much of the above.

Staff circulated the public hearing notice to all residents of Speargrass and to parcels within 2 miles of the proposed redesignation. No comments were received at the time this report was submitted.

Relevant Policies, Practices, and Legislation

Code of Practice for Gravel Pits

South Saskatchewan Regional Plan

Vulcan County & Wheatland County Intermunicipal Development Plan

Regional Growth Management Strategy

Municipal Development Plan

Land Use Bylaw

Alignment with the Strategic Plan

As stated above, where the proposed gravel pit will be larger than 12 acres, the developer is required to register their pit with Alberta Environment and Parks and follow the requirements of the Code of Practice for Pits.

The South Saskatchewan Regional Plan speaks to appropriate land uses in the vicinity of natural resource extractions on public lands. Though the objective does not speak to private lands, it is still an important consideration. Southeast of this proposal is the Community of Speargrass, noise and dust control should be included in the development permit conditions to mitigate these nuisance factors for the community.

The proposal was circulated to Vulcan County per the IDP requirements, Vulcan County had no concerns. The other requirements within the IDP for nuisance mitigation can be addressed at the development permit stage.

The Municipal Development Plan discourages new natural resource developments from locating near Hamlets, water bodies, Environmentally Significant Areas, and natural areas, but does not denote what 'close proximity' entails. This quarter section has been designated a 'preservation site'. Preservation sites were identified by reviewing aerial imagery and seeing how wetlands have changed since 1966. Where there are no identified wetlands in the quarter section, Administration believes the designation comes from the parcel's vicinity to the Bow River. Though Speargrass hasn't been designated a hamlet, it is still a residential community that falls within the typical 1.6km circulation area and as such the impacts a natural resource extraction development could have on it should be considered. Efforts to mitigate nuisance factors should be considered in the development permit conditions.

The Land Use Bylaw Natural Resource Extraction District contains a number of regulations that aim to mitigate the impacts that arise from a natural resource extraction development. The decision on a development permit application for a natural resource extraction will be made by the Municipal Planning Commission. The developer submitted all the required documentation for the redesignation phase, and the conclusions and recommendations from those documents are included in the report.

Response Options

Option 1: THAT the proposed recommendation is accepted/approved.

Option 2: THAT the proposed recommendation is not accepted/approved.

Option 3: THAT an alternate recommendation is accepted/approved.

Implications of Recommendation

General

N/A

Organizational

N/A

Financial

N/A

Environmental, Staff, and Public Safety

The Traffic Impact Assessment has indicated no upgrades to the transportation infrastructure are required. At development permit stage the drainage and setbacks of the development should be considered.

Follow-up Action / Communications

Staff will notify the developer of Council's decision and wait for the development permit application submission, assisting where appropriate.

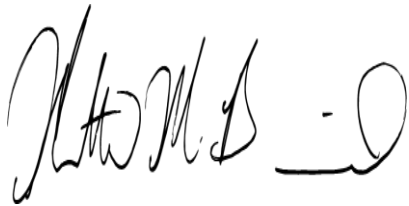
Report Approval Details

Document Title:	Bylaw 2020-21 AG to NRE PH, 2nd and 3rd.docx
Attachments:	<ul style="list-style-type: none">- Bylaw 2020-21.docx- LU2020-11 Community consultation package.pdf- Bylaw 2020-21 Landowner Comment.pdf- 2020-21 Map Package (PH).pdf
Final Approval Date:	Aug 4, 2020

This report and all of its attachments were approved and signed as outlined below:



Sherry Baers



Matthew Boscarol



Brian Henderson