



PLANNING & DEVELOPMENT SERVICES

TO:	Council	
DATE:	February 2, 2021	DIVISION: 8
TIME:	Morning Appointment	
FILE:	06605001/002/003/004/005	APPLICATION: PL20200093
SUBJECT:	Redesignation Item – Aggregate Extraction and Processing	
	NOTE: This application should be considered in conjunction with the Scott Pit Master Site Development Plan application PL20200094 (agenda item F-1)	

POLICY DIRECTION:

The City of Calgary/Rocky View County Intermunicipal Development Plan, County Plan, Bearspaw Area Structure Plan, and the Land Use Bylaw.

EXECUTIVE SUMMARY:

The purpose of this application is to redesignate the subject lands from Agricultural, General District to Direct Control District to support an aggregate extraction operation on the subject lands. In accordance with the policies of the County Plan, a Master Site Development Plan (MSDP) has also been submitted along with the land use application (PL2020094).

Council gave first reading to Bylaw C-8082-2020 on October 6, 2020.

The subject lands are located within the boundaries of the Bearspaw Area Structure Plan and was assessed in accordance with the policies of that plan. This report focuses primarily on the compatibility with relevant statutory plans, while the associated MSDP application focuses on the technical aspects of the proposal.

This proposal was circulated to 684 adjacent landowners; in response, 8 letters were received in support and 401 in opposition (see Attachment 'D'). The application was also circulated to several internal and external agencies; those responses are available in Attachment 'A'.

The following is a summary of the application assessment:

1. The proposal is consistent with the County Plan and the Bearspaw Area Structure Plan;
2. The technical aspects of the proposal would be addressed at Development Permit stage.

ADMINISTRATION RECOMMENDATION:

Administration recommends approval in accordance with Option #1.

DATE APPLICATION RECEIVED:	July 28, 2020
DATE DEEMED COMPLETE:	July 31, 2020

PROPOSAL:	To redesignate the subject lands from Agricultural, General (A-GEN) to a new Direct Control District (DC), to facilitate a gravel extraction operation.
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LEGAL DESCRIPTION:	NW/SW/NE/SE 5-26-2-W5M
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GENERAL LOCATION:	Located at the northeast junction of Range Road 25 and Burma Road.
APPLICANT:	B & Associates Planning Group (Ken Venner)
OWNERS:	Lehigh Hanson Materials Limited
EXISTING LAND USE DESIGNATION:	Agricultural, General District
PROPOSED LAND USE DESIGNATION:	Direct Control District
GROSS AREA:	± 600.05 acres
SOILS (C.L.I. from A.R.C.):	3C3; 4S4; 5T90; 5W10; 6T,16 – Moderate limitations to cereal crop production due to climate, severe limitations due to high sodicity, very severe limitations due to adverse topography and excessive wetness/poor drainage, and production not feasible due to adverse topography and flooding.

HISTORY:

January 26, 2010	Council refused application 2009-RV-028 to redesignate the subject lands from Ranch and Farm District to Direct Control Bylaw to allow for a natural resource extraction operation.
April 15, 2008	Subdivision application 2007-RV-294 was approved but wasn't registered.
October 30, 2007	Council approved Bylaw C-6551-2007 to redesignate a portion of SW-5-26-2-W5M from Ranch and Farm District to Residential Two District to create a ± 5.3 acre parcel with a ± 120.7 acre remainder.
1995:	Council refused an application to redesignate the east ½ of section 5-26-02-W5M from Ranch and Farm District to a Direct Control District to facilitate the development of a gravel pit operation.
1993:	A subdivision of one of the original seven acre lots occurred.
1978:	The plan of subdivision for Crest View Estates was registered, which created seven 4 acre lots.

BACKGROUND:

The purpose of this application is to allow for aggregate extraction on the subject lands. A Master Site Development Plan application (PL20200094) has been submitted along with the redesignation application.

All pits greater than five (5) hectares on private land require approval from Alberta Environment through the Code of Practice for Pits. The Code of Practice addresses a number of items including pit operations, reclamation, and environmental monitoring. The Applicant is preparing their application for Alberta Environment and Parks in accordance with the requirement of the Code of Practice for Pits. The applicant would also be required to obtain Historic Resource Act Clearance through Alberta Culture.

The jurisdiction of municipalities as it pertains to pit operations include municipal zoning, land use planning, land use bylaws, and community aggregate payment levy. At time of development permit, a municipality can deal with hours of operation, buffers, noise, dust, haul routes, and traffic control.

The subject lands are currently undeveloped. Adjacent and surrounding parcels to the south and west are residential, including an eight lot subdivision within SW-5-26-2-W5M. Parcels to the north are predominantly un-subdivided quarter sections. Existing active aggregate facilities are located to the east



and southeast of the subject lands. Within Rocky View County (The County), Burnco Aggregate Products Ltd. has an active operation immediately east of the proposal. Four existing operations are located to the southeast of the proposal, within the city of Calgary, and include the Government of Alberta's Star Pit, Lafarge Canada's Spy Hill Pit, Volker Stevin Canada's pit, and Lehigh's Spy Hill operation.

POLICY ANALYSIS:

The application was evaluated in accordance with the Bearspaw Area Structure Plan and Land Use Bylaw.

Intermunicipal Development Plan

The subject lands are located within the policy area of The City of Calgary/Rocky View County Intermunicipal Development Plan. Section 12.0 of the Plan provides policy direction on aggregate extraction applications and requires coordination of haul routes, consideration of possible impacts on the adjacent municipality, and consideration of comments from the adjacent municipality. The proposal would process the aggregate within the existing Spy Hill facility within Calgary and would use the existing haul routes. The proposal is adjacent to existing aggregate extraction operations within the Calgary and should not have significant impacts on parcels located therein. Further, The City of Calgary (The City) has provided comments, which would be addressed through the development permit process or through the Provincial approval process.

County Plan

Section 15.0 Natural Resources of the County Plan states that the County is responsible for approving land use and issuing development permits for all aggregate extractions. Additionally, aggregate pits of all sizes are subject to Provincial legislation.

The goals of the Natural Resource policies are to support the extraction of natural resources in a manner that balances the needs of residents, industry, and society, and to support environmentally responsible management.

The County currently does not have a comprehensive set of performance standards or spatial policies against which aggregate development can be assessed. However, the technical assessments provided and the resulting policies presented in the MSDP effectively address how any adverse impact of aggregate extraction on existing residents, adjacent land uses, and the environment would be managed and mitigated to an acceptable level. In accordance with policy 15.1 and 15.6, the MSDP provides specific policies to address potential offsite impacts of the operation, including hours of operation, dust control, noise mitigation, and access improvements. In addition, policies are provided to require continuous monitoring of site conditions and response strategies should the operations exceed the agreed upon limitations.

Policy 15.2 requires collaboration between the County, the aggregate extraction industry, and affected residents to develop mutually agreeable solutions to mitigate impacts of extraction activities. The Applicant worked with stakeholders to develop policies to effectively address the concerns of adjacent landowners. The Applicant submitted their proposal in accordance with the County's requirements and proposes the use of an overland conveyor to reduce traffic, noise, and environmental impacts. By implementing the overland conveyor, traffic from the site would be minimal, and the use of major haul routes would not be required.

Bearspaw Area Structure Plan

The Bearspaw Area Structure Plan provides policy direction on proposals for natural resource extractive industries. The intent of the policies are to protect areas with high potential for natural resource extraction, and provide requirements and considerations for a proposal. Considerations for the proposal include impact on surrounding land use, economic benefit, traffic accessibility and safety, reclamation plans,



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comments from referral agencies, and the management of hazardous materials. The Bearspaw Area Structure Plan requires redesignation proposals to be supported by a comprehensive Development Plan.

The Master Site Development Plan provides a technical assessment and associated policies to address the impact of aggregate extraction on surrounding land uses. The Plan includes an operational plan, stormwater management, groundwater management, air quality management, noise management, visual impact management, and a reclamation plan.

The Bearspaw Area Structure Plan states that no extractive industrial operation shall permanently lower the water table of surrounding inhabited properties. A Hydrogeological Technical Assessment was provided with the applications and indicates that the residential wells surrounding the MSDP area draw from the Paskapoo Formations, which is underlying the Tertiary Sand & Gravel proposed for extraction. As the Tertiary Sand & Gravel Aquifer and underlying Paskapoo Aquifer are limited in hydraulic connectivity, the effects to groundwater quantity are anticipated to be negligible. Lehigh Hanson has agreed to implement a water well indemnification program for adjacent landowners should any impacts on local groundwater resources occur.

A consideration of this proposal is the surrounding land uses, maintaining the rural residential character and impact on adjacent landowners. Approximately ± 395.00 acres of the ± 600.0 acre site would be mined. The setback requirements on each of the property boundaries vary depending on the adjacent land use. The greatest setback of 150.0 m would be maintained along the southern property line and in the southwest corner of the site, adjacent to Crestview Estates. A 100 m setback would be maintained along the western property line. A setback of 69 m would be maintained along the northern portion of the property and a 30 m setback is proposed along the eastern property line.

Operations would occur in six stages and would generally proceed from the southeast corner, west, northeast, and then west to complete extraction in the northwest corner. The phasing plan attempts to move the extraction operations from adjacent landowners along the southern boundary in the earlier stages of the development. Berms would be constructed as the phasing progresses for screening purposes.

To address traffic and air quality concerns, the applicant would implement a ± 4.5 km overland conveyor system to transport aggregate material from the Scott Pit to Lehigh's Spy Hill facility, which is located within the city of Calgary. The conveyor would extend from the southeast corner of the plan area and extend south underneath Burma Road, traverse the north and east boundaries of the STAR Pit, cross under 85th Street NW and traverse the northern boundary of the Calgary Correctional Facility. From there, it would enter Lehigh's Spy Hill processing facility and traverse to the eastern boundary of that site. The conveyor would be screened from public roadways and adjacent properties by a landscaped berm, would be shrouded to mitigate dust and noise, and may be fenced to ensure public safety. The hauling of aggregate materials from the Scott Pit would not be permitted; therefore, it is anticipated that there would be no related transportation impacts, and intersection improvements would not be required.

Both the Bearspaw Area Structure Plan and Land Use Bylaw require the proposal to be accommodated through a direct control district that would provide for listed uses, setbacks, buffering and screening, access management, operational details, noise and odour controls, and development standards. The proposed direct control district provides the appropriate direction as outlined.

The Bearspaw Area Structure Plan suggests Figure 7 of the Plan should be amended prior to subdivision and/or development approval to identify the lands as an aggregate land use. The amendment is not mandatory, was not completed for adjacent aggregate operations in the area, and offers little value with the Bearspaw Area Structure Plan re-write underway.



OPTIONS:

- Option #1: Motion #1 THAT Bylaw C-8082-2020 be amended in accordance with Attachment B.
 Motion #2 THAT Bylaw C-8082-2020 be given second reading, as amended.
 Motion #3 THAT Bylaw C-8082-2020 be given third and final reading, as amended.
Option #2: THAT application PL20200093 be refused.

Respectfully submitted,

Concurrence,

"Theresa Cochran"

"Al Hoggan"

Executive Director
Community Development Services

Chief Administrative Officer

AB/ltt

ATTACHMENTS

- ATTACHMENT 'A': Application Referrals
ATTACHMENT 'B': Bylaw C-8082-2020, Schedule A & B
ATTACHMENT 'C': Map Set
ATTACHMENT 'D': Public Submissions