



July 8, 2024

Legislative and Intergovernmental Services

Rocky View County Hall
262075 Rocky View Point
Rocky View County, AB
T4A 0X2

Re: Aggregates Resource Plan Committee Report presentation to Council – July 23, 2024

Reeve Kissel and esteemed Councillors of Rocky View County,

I am writing on behalf of Hillstone Aggregates Ltd. to express our concern regarding the Aggregate Resource Plan Stakeholder Advisory Committee and their Recommendations & Final Report.

The Aggregates Resource Plan would introduce additional policy and regulation over aggregate development within Rocky View County. Aggregate is invaluable to the construction industry and protected under the South Saskatchewan Regional Plan by the province as a non-renewable resource.

Hillstone is a longstanding aggregates operator within Rocky View County and is located in west Rocky View, north of the Town of Cochrane. This area has seen a marked increase in aggregate permit applications and is also the focus of a significant amount of the concern expressed regarding aggregate operations. Hillstone operates responsibly and continues to work with Rocky View County to insure that the conditions of their development permits are being met. We support the development of guidelines for the application process and reporting requirements associated with aggregate extraction in the County. Our concern is that the proposed additional regulation will create unnecessary duplication of existing policy, extend approval timelines, and place undue financial burden without a corresponding benefit seen by the public, regulator or operator commensurate with the costs to all. We have provided our concerns with the six (6) recommendations made by the Stakeholder Advisory Committee below in *italics*.

Committee Recommendations with Consensus Support

We feel the characterization of these recommendations as consensus between the stakeholders is perhaps overstated given the process we observed. The subject of aggregate extraction has been contentious and the appearance of consensus and overall agreement between committee members detracts from the work accomplished despite differing viewpoints.

A. Performance Standards for Aggregate Development

Recommendation #1: That the County develop Performance Standards specific to aggregate development in the County.

Rocky View County should develop reasonable and appropriate Performance Standards specific to aggregate operations across the County. All new Aggregate Master Site Development Plans, land use redesignation, and Development Permit applications shall comply with these Performance Standards.

The County should periodically review the Performance Standards to ensure they are aligned with evolving industry best practices and that they are effectively mitigating offsite impacts. County operated pits should be held to the same set of Performance Standards and the County should advocate to the province that provincial pits adhere to these performance standards when operating within Rocky View County.

Reasons: The Committee agrees that consistent application of fair and enforceable Performance Standards should be applied to all aggregate operations in the County to mitigate offsite impacts.

Hillstone supports the application of clear, reasonable, performance requirements as this directs onsite management and mitigation.

B. Proactive Monitoring, Reporting and Enforcement by the County

Recommendation #2: That the County actively regulate aggregate operations through proactive site monitoring, timely expert review of submitted operating reports, and take appropriate enforcement action when necessary.

Rocky View County should accept its role as an active and responsible regulator of aggregate operations. The County should adopt a Site Monitoring Bylaw that outlines a framework for monitoring, reporting, and enforcement that will hold aggregate operators in compliance with the new Performance Standards and other County regulations. This monitoring and enforcement framework should include procedures to conduct regular site visits and inspections, expert technical review of regularly submitted operating reports, timely response to enforcement related complaints, and take appropriate enforcement actions should an operator be in contravention of Development Permit condition(s).

Reasons: The Committee understands that the County currently monitors and enforces Development Permit conditions strictly by means of a complaint-based system. Unless a development related complaint is received, the County does not proactively monitor aggregate development through site visits or conduct expert review of operating reports at the time of submission. It is noted that annual reports and the compliance record of each aggregate site are to be reviewed and considered at the time of Development Permit renewal.

The Committee supports effective regulation of aggregate operations in the County. Residents want confidence that the resource is well managed. Industry committee members stated that it would be beneficial to have the County take on the role of providing a transparent complaint process, resolving disputes, monitoring operations, overseeing industry reporting, and enforcing compliance. All members agree that the County needs to have access to technical knowledge (third-party review) to effectively evaluate operating reports and data, and to provide bylaw services for on-site evaluations and enforcement.

Hillstone supports the County if they chose to undertake more proactive monitoring and enforcement.

Recommendation #3: That the County develop updated Application Requirements specific to aggregate development applications in the County.

Rocky View County should amend existing statutory plans and the land use bylaw to include detailed and specific Application Requirements for all planning and development applications related to aggregate extraction. Applications should be reviewed for both quality and completeness. It is acknowledged that County Administration's discretion should be appropriately applied when reviewing applications.

The Application Requirements should list the minimum submission requirements for new Aggregate Master Site Development Plans, land use redesignation, and Development Permit applications. County Administration should only proceed with a Development Permit recommendation when the application has been deemed complete.

Reasons: A set of defined application requirements will provide clarity and consistency for both applicants and the public, allow County Administration to reference consistent application criteria, and increase public confidence in the approvals process overall.

Hillstone supports the implementation of clear, reasonable, application requirements specific to aggregate development. This would assist in the efficient and fulsome completion of applications.

C. Improved Transparency and Communication

Recommendation #4: That the County develop a publicly accessible online platform dedicated to aggregate development within the County.

Rocky View County should develop a publicly accessible digital portal on the County website that provides information on all active and proposed aggregate sites in the County, including its geolocation and all approved or pending Master Site Development Plan(s) and Development Permit(s).

For all approved aggregate operations in the County, a compliance report should be available on the digital portal. This report should include an active record of monitoring activities undertaken by the aggregate operator or County, list all exceedances and contraventions by the operator, and list the remediating activities taken for each infraction reported. It is noted that all publicly posted information shall comply with the Freedom of Information and Protection of Privacy (FOIP) Act.

Reasons: The Committee feels that transparency with the public is a necessary step in fostering trust between aggregate operators, residents, and the County. Comprehensive and publicly available reporting on aggregate development activities and the monitoring and enforcement actions taken by the County would improve public confidence in the regulation of the resource.

Other: Some committee members suggest that continuous monitoring of noise and air quality data be required at prescribed locations at site boundaries. Committee members were agreed that data transparency is important, though some members cautioned that public access to such data could lead to nuisance complaints. They arrived at requesting that administration evaluate how to make continuous data available in a useful and practical way.

Hillstone strongly opposes the development of a separate online platform as described above. The County is able to provide approval updates and annual reports through their existing website. Providing real time monitoring information for multiple operations would be a significant undertaking from both a cost and implementation standpoint. Additionally raw data can be easily misinterpreted and without the

accompanying analysis of a technical expert provides little to no value. Monitoring practices including the location of monitoring equipment, and interpretation of data should be left to Technical Experts.

Recommendation #5: That the County define a mandatory stakeholder engagement process for all new aggregate applications and renewals.

As an additional Application Requirement, Rocky View County should require aggregate operators (the applicant) of all new Master Site Development Plans and Development Permit applications (including renewals) to demonstrate they have appropriately notified and engaged an expanded list of interested parties to their proposed development. The applicant should demonstrate how public feedback has been considered in the proposed site design and operations. The Master Site Development Plan should include a summary of these engagement activities.

The County should create and maintain an expanded list of interested parties (in addition to the required circulation radius) to assist industry in reaching the appropriate public audience during their engagement.

The engagement process should be inclusive, transparent, and solution focused to foster trust between residents, landowners, and industry. The engagement process must allow sufficient time for stakeholders and affected parties to meaningfully respond to the proposed project.

Reasons: Defining appropriate communications, expectations and engagement responsibilities of industry, residents, and the County, and establishing a process that all parties can easily understand and participate in can assist in reducing potential conflict. Improved responses to concerns and appropriate follow-up is needed.

Hillstone does not oppose the implementation of a mandatory stakeholder process, but feels that the recommendation as written does not clearly communicate the intent to expand engagement beyond the County circulation radius which we do not support. This action, creating an expanded list of "interested parties" who must be engaged places undue burden on operators by requiring them to engage parties that have no legal standing as an affected party. Additionally requiring engagement summaries be included in operators existing MSDP's would require an amendment of the document. This would be an additional cost to operators and unnecessary as the summary can simply be provided at the time of submission or as a condition of approval of the Development Permit or Renewal, and made available to the public through the County website.

Recommendation #6: That the County write an Aggregate Resource Plan with clear, accessible language.

The Aggregate Resource Plan and all supplementary bylaws and regulations should be written in a neutral and balanced tone, using clear and concise language, and providing objective information. All policies and regulations adopted by the County should include the important technical requirements but should also be accessible and reader-friendly to a non-technical audience. The ARP and supplementary documents can serve as an educational resource that is relatable to the public.

Reasons: Clear, concise, and easily readable information can improve mutual understanding of the issues surrounding aggregate development and build trust amongst all parties throughout the aggregate development process.

Hillstone supports the use of plain language within the Aggregates Resource Plan.

We appreciate the time and attention of Council to this matter and are happy to provide additional commentary upon request. We would also like to thank the Aggregate Operator representatives on the Advisory Committee, Dale Soetaert and Monty McNair for their work on behalf of county operators.

Sincerely,

Mackenzie Duke

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Hillstone Aggregates



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