



PLANNING AND DEVELOPMENT SERVICES

TO:	Council	
DATE:	July 6, 2021	DIVISION: 9
TIME:	Morning Appointment	
FILE:	06818002/8003/8004;06913001/3002/ 3003/ 06914001/4002/5001	APPLICATION: PL20200066
SUBJECT:	Redesignation Item – Aggregate Extraction and Processing	
	NOTE: This application should be considered in conjunction with application PL20200067 (agenda item F-1)	

APPLICATION: To redesignate portions of three (3) quarter sections and five (5) full quarter sections; totaling ± 391.10 hectares (± 966.43 acres) from Agricultural - General District to Special - Natural Resources for aggregate extraction.

GENERAL LOCATION: Located on the south side of Highway 1A, beginning at 0.8 kilometres (0.5 mile) from the intersection of Range Road 53 and Highway 1A to approximately 1.6 kilometres (1.0 mile) east of Range Road 50; with the exception of NW-13-26-05-W05M.

LAND USE DESIGNATION: Agricultural – General District (A-GEN)

EXECUTIVE SUMMARY: The purpose of this application is to redesignate the subject lands from Agricultural, General District (A-GEN) to Special – Natural Resources District (S-NAT) to support the expansion of an existing aggregate extraction operation on the subject lands. In accordance with the policies of the County Plan, a Master Site Development Plan (MSDP) has been submitted along with the land use application (PL20200067). NW-13-25-06-W5M, totaling 150.88 acres, is designated Special – Natural Resource District and is operated by BURNCO as an active gravel pit (the McDougall Ranch Pit). This application is seeking to add ± 966.43 acres to expand the aggregate extraction operations.

The applicant has requested redesignation to S-NAT, which restricts new lands from being added to this district. This request is not supported by the Land Use Bylaw. In recognition of this, the applicant has provided a Direct Control District as a secondary option, though citing a preference for the S-NAT land-use option.

Council gave first reading to Bylaw C-8073-2020 on September 1, 2020.

The subject lands are not located within an Area Structure Plan, and the application was therefore assessed in accordance with the policies of the County 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 37 adjacent landowners within a one (1) mile radius; in response, 14 letters were received in opposition and 24 were received in support (see Attachment 'E'). The application was also circulated to several internal and external agencies; those responses are available in Attachment 'B'.

The following is a summary of the application assessment:

1. The proposal is consistent with the County Plan;
2. As proposed by the applicant (S-NAT), the proposal is inconsistent with the Land Use Bylaw; however, would be consistent if the Direct Control were selected; and

Administration Resources

Oksana Newmen, Planning and Development Services

3. The technical aspects of the proposal would be addressed at the Development Permit stage.

Comments were recently received in response to the Public Hearing notice from the Town of Cochrane stating concerns related to traffic safety and environmental considerations. These comments were provided subsequent to the November 2020 Intermunicipal Committee Meeting (IMC) which yielded concerns with respect to traffic generation. After the IMC, Administration and the applicant held an additional meeting and shared information regarding their concerns. The comment letter included in Attachment "B" was also received subsequent to the June 2021 IMC meeting.

Regarding comments from the Stoney Nakoda Nations, the letter in response to the public hearing notice was received after multiple attempts over several months by Administration in early 2021 to obtain their concerns, with no response.

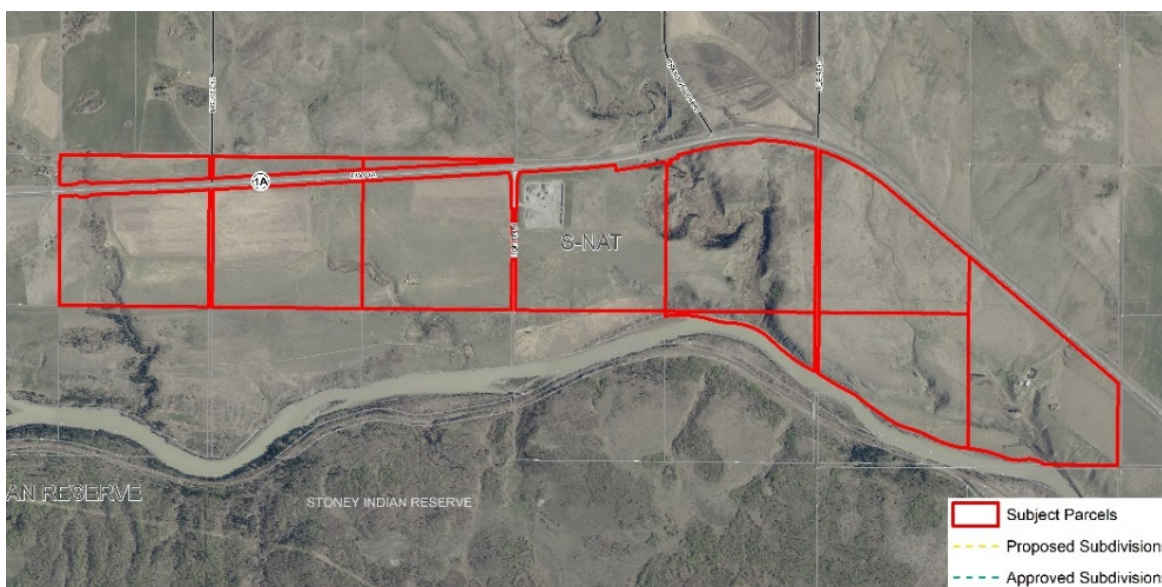
Based on the extensive area proposed, Administration suggests reducing the area for redesignation to an area more commensurate with existing aggregate operations in the County, as well as the total area proposed for the disturbance at any one time. In addition, Administration recommends Council refer the application back to the applicant in order to prepare a Direct Control.

ADMINISTRATION RECOMMENDATION: Administration recommends referring the application back to Administration, in accordance with Option #3.

OPTIONS

- Option # 1: Motion #1 THAT Bylaw C-8073-2020 be given second reading.
- Motion #2 THAT Bylaw C-8073-2020 be given third and final reading.
- Option #2: THAT the application be referred to Administration to work with the applicant to prepare a Direct Control District for the entirety of the lands.
- Option #3: THAT the application be referred to Administration to work with the applicant to prepare a Direct Control District for an area located between Beaupre Creek and Grand Valley Creek, to be no greater than 400 acres in size, excluding the existing S-NAT parcel.
- Option # 4: THAT application PL20200066 be refused.

AIR PHOTO & DEVELOPMENT CONTEXT:



APPLICATION EVALUATION:

The application was evaluated based on the technical reports submitted with the application and the applicable policies and regulations.

<p>APPLICABLE POLICY AND REGULATIONS:</p> <ul style="list-style-type: none"> • <i>Municipal Government Act</i>; • Town of Cochrane/Rocky View County Intermunicipal Development Plan; • Municipal Development Plan; • Land Use Bylaw; and • County Servicing Standards. 	<p>TECHNICAL REPORTS SUBMITTED:</p> <ul style="list-style-type: none"> • Biophysical Impact Assessment prepared by Matrix Solutions Inc. dated September 2019 • Historical Resources Impact Assessment prepared by Lifeways of Canada Limited date April 2019 • Visual Impact Assessment (VIA) prepared by Matrix Solutions Inc. dated November 2019 • Noise Impact Assessment, prepared by ACI Acoustical Consultants Inc. dated June 2019 • Air Quality Assessment prepared by Matrix Solutions Inc. dated May 2019 • Hydrogeological Assessment Report prepared by Matrix Solutions Inc. dated January 18, 2019 • Traffic Impact Assessment (TIA) prepared by Schaffer Andrew Ltd. dated October 2013 • Conceptual Stormwater Management Report prepared by Matrix Solutions Inc. dated April 2020
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POLICY ANALYSIS:

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, though outlines for MSDP requirements are provided. That being said, the overall size of the proposed redesignation, in addition to the fact that two pits will effectively be operating simultaneously, is greater than the majority of extraction sites in the County. As such, Administration suggests the area for aggregate expansion be limited to an additional 400 acres between Beaupre Creek and Grand Valley Creek, excluding the existing operational area. This will still yield approximately 550 acres of land for extraction. This number is based on creating some additional buffer to the residents to the northwest of the site, and additional distance from the Town of Cochrane. Future expansion to the east of Grand Valley Creek could be explored in the future.

Technical assessments provided and the resulting policies presented in the MSDP effectively address how the 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 policies 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 proximity 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 the impacts of extraction activities. The Applicant held open houses and considered stakeholder input 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.

Land Use Bylaw

Sections 297(f) and 464 of the Land Use Bylaw require the proposal to be accommodated through a Direct Control district that would provide a customized site-specific district for the parcel with regulations that are specifically catered to the site and surrounding area. Examples of the types of regulations that could be included in a Direct Control and are not included in the Special – Natural Resources District (S-NAT) are:

- specific technical requirements at the Development Permit stage,
- reporting requirements for noise, air quality, and groundwater monitoring,
- limiting the area to be disturbed at any one time,
- operation and hauling hour limitations,
- specific access requirements,
- customized the setbacks and development standards, and
- Council as the Development Authority.

The applicant is seeking redesignation to the S-NAT, noting that the application submission pre-dates the current land use bylaw and that an existing area of that designation with a current operation exists on site.

ADDITIONAL CONSIDERATIONS:

While not detailed in the policy, Administration has concerns in granting land use redesignation over such a large expanse of land. As ± 61.06 ha (± 150.88 ac) of land is currently designated S-NAT, this redesignation would increase the lands designated for extraction by approx. 640% for a total of ± 452.16 ha ($\pm 1,117.31$ ac). Administration, therefore, recommends that the area of redesignation be reduced to an area approximately 400 acres in size, excluding the existing S-NAT parcel.

Responses were received from both the Town of Cochrane and the Stoney Nakoda First Nations. The Town of Cochrane has stated concerns regarding traffic and environmental considerations while the Stoney Nakoda is seeking additional consultation on the project. The information was forwarded to the applicant who has indicated that they continue to work with both parties.

Regarding the Town of Cochrane, the comments were provided subsequent to the November 2020 Intermunicipal Committee Meeting (IMC) that had yielded concerns with respect to traffic. After the IMC, Administration and the applicant held an additional meeting and shared information regarding their concerns. The comment letter at the end of Attachment "B" was received subsequent to the recent IMC meeting in June 2021.

In terms of the Stoney Nakoda First Nations, Administration had reached out to a group of recipients several times in the first quarter of 2021 to request their concerns in writing in advance of holding a meeting. No response was received. The Stoney Nakoda subsequently send a response to a secondary circulation of the file in May 2021 requesting a consultation. This information was provided to the applicant, who indicates that they have an open consultation file. A recent letter from the Stoney Nakoda First Nations has been received and is included at the end of Attachment "B".



Respectfully submitted,

"Brock Beach"

Acting Executive Director
Community Development Services

Concurrence,

"Kent Robinson"

Acting Chief Administrative Officer

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ATTACHMENTS

ATTACHMENT 'A': Application Information
ATTACHMENT 'B': Application Referrals
ATTACHMENT 'C': Bylaw C-8073-2020 and Schedule A
ATTACHMENT 'D': Map Set
ATTACHMENT 'E': Public Submissions