



## REPORT TO THE MUNICIPAL PLANNING COMMISSION

June 11, 2020

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<b>Agenda Item</b>	
<b>Application No.</b>	43/20
<b>Proposed Development</b>	sand pit <i>*expansion of previous approval</i>
<b>Legal Description</b>	NW 18-39-26-W4M
<b>Titled Area</b>	Approx. 43.5 hectares (107.6 acres)
<b>Zoning</b>	Agricultural 'A' District
<b>Landowner</b>	674451 Alberta Ltd. (Ray and Janice Achtemichuk)
<b>Applicant</b>	Pidherney's Inc.

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### BACKGROUND

Pidherney's Inc. is seeking to renew their previous approval, with the addition of 0.79 hectares (1.95 acres) active pit area, to the sand pit located on NW 18-39-26-W4M. Pidherney's Inc. is requesting to disturb a total 4.99 hectares (12.33 acres). The site plan is contained in the Pre-Circulation Package (see Attachment A). This application requires the Municipal Planning Commission's approval due to the additional area proposed to be disturbed for excavation.

Pidherney's Inc. has indicated the operations will only include dry pit excavation. It is intended to excavate to a depth of 4 metres (13.12 feet). No groundwater was encountered in test holes. The life span of the pit is projected to be approximately 5 years. The estimated volume of material to be removed from the site is 50,000 tonnes.

Pidherney's Inc. has proposed sand hauling to occur Monday to Saturday from 7:00 AM to 7:00 PM during the summer, and from 7:00 AM to 6:00 PM in the winter, with no hauling on Sundays or holidays.

The truck traffic generated will be no more than 20 truckloads per day on busy months. The proposed haul route is east out of the pit on Burbank Road (Township Road 39-3) then east to Highway 597.

The proposed land use after reclamation is agricultural (pasture), with no end pit waterbodies.

## **POLICY CONSIDERATIONS**

A sand pit is a discretionary use under the Agricultural 'A' District of the County's *Land Use Bylaw* requiring the approval of the MPC.

The operation must be registered with Alberta Environment and Parks as required and must follow the Code of Practice developed by the Department for the operation and reclamation of sand pits.

## **CIRCULATION RESPONSE**

Pidherney's Inc. has advised property owners within 1 mile of the sand pit site of the renewal, including the expanded excavation area. No responses were received during the pre-circulation.

The application was also circulated to Alberta Transportation, the Town of Blackfalds, Red Deer County, CN Rail, and Lacombe County's Operations Department.

Alberta Transportation offered no objection in principle but did provide comments on a preliminary basis. A Roadside Development Application is required from Alberta Transportation as the proposed development is located within the Department's development control zone. Alberta Transportation recommended a condition of approval addressing if the number of vehicles exceeds 20 vehicles a day, that Alberta Transportation and the Lacombe County be consulted to ensure the number of trucks accessing the site does not cause a hazard to the intersection with the highway.

Town of Blackfalds has no objection to the extension of the previous approval.

Red Deer County has no concerns with the application.

Lacombe County's Operations Department has no issues with the proposed development renewal at this location. Access is adequate, and the proposed traffic generated by the business renewal should not affect the surrounding infrastructure. All previous operating conditions should continue to apply.

CN Rail had not provided a response at the time of writing the report.

## **ANALYSIS**

A sand pit is considered a discretionary use in the Agricultural 'A' District of the County's *Land Use Bylaw*. The pit is an existing operation, and staff feel the proposed pit expansion to include additional area is not expected to create conflict with the surrounding land owners.

It is a standard requirement that the operator enter into a development agreement/road haul agreement which is intended to alleviate issues by regulating side sloping, protective barriers (guard rails), erection of required signs and designated haul route.

Any affected parties may appeal a decision made by the MPC.

## **STAFF RECOMMENDATION**

APPROVE the application, subject to the following conditions:

1. term of development permit to be for five (5) years
2. this approval shall be subject to annual review by the Development Officer. Failure to comply to the conditions of development permit may result in the permit being suspended or revoked
3. this approval is for a dry pit excavation only. Further approval is required from the County for any additional activities
4. the pit size is to be no larger than 4.99 hectares (12.33 acres). The pit size includes all excavation areas where sand is being removed, areas where reclamation material has been salvaged and stockpiled, and areas determined to be infrastructure (e.g., access road, stockpiles, processing equipment, weigh scales)
5. prior to a development permit being issued, the operator shall submit a progressive reclamation plan to the County's satisfaction
6. prior to a development permit being issued, the operator to enter into a development agreement with the County respecting the operation. A caveat respecting the agreement shall be registered against the title of the property. All terms and conditions of the development agreement shall be met to the satisfaction of the County
7. prior to a development permit being issued, the operator shall also enter into a sand haul agreement with the County. All terms and conditions of the sand haul agreement shall be met to the satisfaction of the County
8. applicant is required to direct all haul traffic east on Burbank Road (Township Road

- 39-3), to Highway 597. No other route shall be used for haul traffic, unless permission is received in writing from the County
9. hours of operation for the sand pit shall be Mondays to Saturdays, 7:00 a.m. to 7:00 p.m. from May 1st to October 31st, and 7:00 a.m. to 6:00 p.m. from November 1st to April 30th, with no hauling on Sundays or holidays
  10. appropriate noise abatement measures will be required to reduce nuisance impact on adjacent residents, and the County reserves the right to further restrict the hours of operation at its sole discretion
  11. applicant to ensure that there is ongoing communication with surrounding property owners and other residents that advises them of extended or non-typical operations, including the timing and duration of major hauls
  12. if extended hours of operation are required beyond those outlined in condition 9, the operator shall ensure surrounding property owners and other residents are notified at least seven (7) days prior to the proposed date of the proposed extended hours of operations. Please note that if concerns are raised by surrounding property owners and other residents, the operator will be required to limit all operations to those outlined in condition 9
  13. applicant to ensure all gravel trucks used in the operation are registered with the provincial central truck registry. Written evidence of the same is to be provided to the County
  14. a 3 metre (10 foot) wide buffer to be maintained for excavation from property lines with a minimum 3:1 slope ratio
  15. cut and fill slopes to be no steeper than 4:1 for the final design when adjacent to a road, and 3:1 when adjacent to a property line
  16. no new topsoil, overburden or granular material to be piled over 2 metres (6.56 feet) in height within 30.0 metres (98.42 feet) from a property line
  17. applicant to satisfy all requirements of Alberta Environment and Parks for the sand pit operation

*It is important to note that since the property is located within ½ mile of Highway 597, approval is also required from Alberta Transportation pursuant to the Alberta Public Highways Development Act and the Highway Department Control Regulations. For more information, please contact the Department at (403) 340-5166.*

*Please note that Lacombe County has passed Bylaw 1261/17 which authorizes the collection of a community aggregate payment from all sand and gravel operations in the County. Attached is a copy of the Bylaw.*

**MPC DECISION**

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**PREPARED BY:** Cajun Paradis, Senior Planner  
**REVIEWED BY:** Dale Freitag, Director of Planning Services  
**REVIEWED BY:** Tim Timmons, County Manager

