



REPORT TO THE MUNICIPAL PLANNING COMMISSION

June 25, 2020

Agenda Item	
Application No.	47/20
Proposed Development	sand and gravel pit <i>*expansion of previous approval</i>
Legal Description	Pt. SW 04-41-27-W4M & Lot 2 Block 1 Plan 042 0320
Titled Area	Approx. 117 hectares (289 acres)
Zoning	Agricultural 'A' District
Landowner/Applicant	Border Paving Ltd.

BACKGROUND

Border Paving Ltd. is seeking to renew their existing approval, with the addition of 5.3 hectares (13.1 acres) active pit area to the sand and gravel pit located on Pt. SW 04-41-27-W4M & Lot 2 Block 1 Plan 042 0320. The applicant is requesting to disturb a total 117 hectares (289 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.

Border Paving Ltd. has indicated the operations will include dry pit excavation, wet pit excavation, crushing and screening, pit dewatering and a temporary asphalt plant. It is intended to excavate to a depth of 5 metres (16.4 feet). The depth to groundwater in test holes was 3 to 7 metres (9.84 to 22.96 feet). The life span of the pit is dependent on project acquisition and location. The estimated volume of material to be removed from the site is 180,000 tonnes.

Gravel hauling will occur Monday to Saturday from 7:00 AM to 7:00 PM from May 1 to October 31, and from 7:00 AM to 6:00 PM from November 1 to April 30, with no operations on Sundays or holidays. If Sunday hauling is to occur, the applicant must request special permission from the County. Crushing and screening would take place 4-6 weeks each season, 24 hours per day, 7 days per week. The temporary asphalt plant would be erected based on project location, and would run from 7:00 AM to 7:00 PM, as required based on project needs.

The truck traffic generated will be 120 truckloads per day in the summer, with little hauling anticipated in the winter months. The applicants proposed haul route is directly west to Spruceville Road (RR 27-4), then along Spruceville Road (RR 27-4) either north to Highway 604 or south to Highway 12. All haul routes are paved except a small portion of Highway 604, which will be watered and graded as necessary during and after haul operations.

Wet pit excavations will be achieved through pit dewatering to lower water table and through bailing. Water Act Approval No. 00308813-00-00 authorizes Border Paving Ltd. to dewater 50,000 cubic metres of water annually from the SE 16-41-27-W4M, south through a pipe and culvert to the NE 09-41-27-W4M, and subsequently to a natural drainage in the NW 10-41-27-W4M. This pit will be connected to SE 16-41-27-W4M via pipe when dewatering is necessary.

There were a number of concerns raised by neighbouring landowners during summer 2017 regarding emissions from the asphalt plant at this location. Previously the asphalt plant on location had a parallel-flow drum and a wet scrubber to control emissions. During the 2018 renewal, the applicant has indicated the asphalt plant will be upgraded to have a counter-flow drum and baghouse, to decrease offensive odour and particulate output. Further, it was required as a condition of approval for Development Permit 43/18 that monthly emissions tests be completed during the asphalt plant use. During the terms of that permit, no asphalt plant was necessary at this site, and therefore no emissions tests were completed to demonstrate the technology of the new asphalt plant.

The proposed land use after reclamation is pasture/cultivated land with three end pit waterbodies.

POLICY CONSIDERATIONS

A sand and gravel 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 gravel pits, and asphalt plants.

CIRCULATION RESPONSE

Border Paving Ltd. has advised property owners within 1 mile of the gravel pit site of the renewal, including the expanded excavation area.

Questions/concerns were received from five neighbouring landowners during the pre-circulation, including Joan Olafson, Marleen Steeneveld, Arjan and Leah Steeneveld, Elizabeth Spears, and Sterling and Kathy Burrell. Questions/concerns included air quality, data collection, water diversion and excessive noise. Border Paving has proposed a number of mitigation measures to ensure these concerns are adequately mitigated. A copy of the inquiries and Border Paving's response is contained in the Pre-Circulation Report (see Attachment B).

The County's Operations Department has no issues with the proposed development at this location.

ANALYSIS

A sand and gravel 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.

Staff considers the proposed mitigation measures and conditions of approval satisfactory to mitigate neighbouring landowner concerns. The proposed conditions of approval will allow the applicant to upgrade the asphalt plant and conduct emissions testing, and upon renewal after the one (1) year term neighbouring landowners would again be given opportunity to comment on the development application.

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 one (1) year
2. failure to comply to the conditions of development permit or failure to mitigate concerns raised by surrounding property owners and other residents to the County's satisfaction may result in the permit being suspended or revoked
3. this approval is for a dry pit excavation, wet pit excavation, crushing and screening activities, pit dewatering, and a temporary asphalt plant only. Further approval is required from the County for any additional activities
4. the pit size is to be no larger than 117 hectares (289 acres). The pit size includes all excavation areas where aggregate 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:
 - a. submit a progressive reclamation plan to the County's satisfaction
 - b. 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
 - c. enter into a sand/gravel haul agreement with the County. All terms and conditions of the sand/gravel haul agreement shall be met to the satisfaction of the County
6. applicant is required to provide the County with a copy of emissions tests during the asphalt plant use. The emissions tests must be completed on a monthly basis during asphalt plant use, must be completed by a qualified professional, and must confirm that all provincial and/or national emissions standards are being complied with
7. applicant is required to direct all haul traffic directly west to Spruceville Road (RR 27-4), then along Spruceville Road (RR 27-4) either north to Highway 604 or south to Highway 12. No other route shall be used for haul traffic, unless permission is received in writing from the County
8. hours of operation shall be as follows:
 - a. gravel operations (i.e. extraction, processing, on-site sales, reclamation) and gravel hauling shall be Mondays to Saturdays, 7:00 a.m. to 7:00 p.m. from May 1 to October 31, and 7:00 a.m. to 6:00 p.m. from November 1 to

April 30. The pit shall be closed on Sundays and statutory holidays, including no gravel hauling

- b. crushing and/or screening processing operations shall be 24 hours per day, 7 days per week, maximum 6 weeks per season
 - c. asphalt operations and/or asphalt hauling shall be Mondays to Saturdays, 7:00 a.m. to 7:00 p.m. from May 1st to October 31st, with no asphalt plant operation on Sundays or holidays
9. if extended hours of operation are required beyond those outlined in condition 8, the operator shall ensure landowners within a one-mile radius of the pit are notified at least seven (7) days prior to the proposed date of the extended hours of operations. Please note that if concerns are raised, the operator will be required to further limit operations at the County's discretion
 10. if, in the opinion of the County, activities on this site causes noise, dust problems or other safety concerns, the operator will be required to further limit operations at the County's discretion
 11. 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
 12. applicant to ensure that there is ongoing communication with surrounding property owners and other residents that advises them of non-typical operations
 13. location of pit dewatering infrastructure within any County right-of-ways is subject to County approval. Please contact James Pruden, Inspections Officer, at (403) 391-0779
 14. 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
 15. a 3 metre (10 foot) wide buffer to be maintained for excavation from property lines with a minimum 3:1 slope ratio
 16. 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
 17. if any excavation adjacent to the road allowance is to occur over a period longer than one (1) month, the operator is required to install guard rails or other barriers

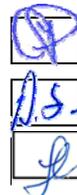
to the satisfaction of the County along the entire length of the excavated area

18. 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
19. applicant to satisfy all requirements of Alberta Environment and Parks for the operation

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

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



The image shows three vertically stacked rectangular boxes, each containing a handwritten signature in blue ink. The top box contains the initials 'CP', the middle box contains 'D.F.', and the bottom box contains 'T.T.'.