


AGENDA
SPECIAL COUNCIL MEETING
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
April 19, 2023
6:30 pm
COUNCIL CHAMBERS


- A. ADOPTION OF AGENDA
- B. DEVELOPMENT PERMIT NO. 2023-02 Alberta Rocks Ltd.
 - Presentations:
 - Written:
 - Rowena Cromwell
 - Duncan & Sandra Gano
 - Ruth and Leo Reedyk
 - Kevin and Sandy Watson
 - Verbal:
- C. ADJOURNMENT

Recommendation to Council

TITLE: DEVELOPMENT PERMIT NO. 2023-02 Applicant: Alberta Rocks Ltd Location: Lot 14, Block 971 0740 within SE 18-7-2 W5 Division: 5 Parcel: 4.9 ha (12.1 acres) Zoning: Direct Control – DC Development: Natural Resource Extraction Pit	
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PREPARED BY: Laura McKinnon	DATE: April 13 2023
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DEPARTMENT: Planning and Development

 Department Supervisor	2023/04/14 Date	ATTACHMENTS: 1. Development Permit Application 2023-02 2. Site Plan 3. Reclamation Plan 4. "Un-approved Pit" Size
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APPROVALS:

			2023/04/14
Department Director	Date	CAO	Date

RECOMMENDATION:

That Development Permit No. 2023-02, for the development of a Natural Resource Extraction Pit, be approved subject to the following Condition(s):

1. That this development meets the minimum provisions as required in Land Use Bylaw 1289-18.
2. That pursuant to Section 655(1)(b) of the *Municipal Government Act*, the applicant or owner or both enter into and comply with a Development Agreement with the M.D. of Pincher Creek No. 9 which shall be registered concurrently with the title being created for the purpose of constructing the undeveloped Road Allowance to the minimum standard (Policy – C-PW-019).
3. Reclamation of previous unapproved pit must be completed prior to commencement of work in new pit.
4. That the allotted pit size be reduced to account for the previously unapproved pit, being 0.84 ha (2.1 acres) for a total of 4.06 ha (10 acres).
5. Dust control measures to be placed on the haul route as required, to the satisfaction of the M.D. of Pincher Creek No. 9, or as directed by the Public Works Manager.
6. Site reclamation of the 100m x 100m blocks, shall occur incrementally as per the reclamation plan attached to and forming part of this Development Permit.
7. Soils shall be reclaimed in accordance with approved plans. The reclamation shall be completed within one (1) year of the depletion, or part thereof, the pit use.

Recommendation to Council

8. Potential soil erosion risk shall be minimized by seeding the stockpiled soils and reclaimed pit with an certified weed-free grass mixture to enable rapid growth of vegetative cover, which must be approved by the Agricultural Fieldman.
9. All existing stands of trees and shrubbery outside the development area to be preserved for environmental and sound attenuation purposes.
10. Topsoil, overburden and gravel materials to be stockpiled in accordance with the approved plan.
11. Appropriate trash bins to be located on site or no garbage to be imported to the site.
12. Gravel pit operations shall be limited to the hours of 8:00 am to 4:00 pm, Monday – Friday. The operations shall be closed on statutory holidays.
13. There will be no crushing or screening permitted on site. All materials will be hauled off site to be processed.
14. Posting of appropriate warning signs to inform the public of potential hazards to the satisfaction of the Development Officer.
15. Developer must comply with the M.D. of Pincher Creek No. 9 - Weed Free Gravel/Aggregate Policy – C-AES-003
16. Soil reclamation will be required if contamination occurs as a result of equipment, equipment maintenance or repair.
17. Any disturbance of ground water or location of ground water shall halt operations immediately. Any effect on groundwater, if required, shall be dealt with by the Development in accordance to provincial standard.
18. Developer must obtain Historic Resource Clearance prior to commencement of pit operations.
19. Operations must follow all components of the Water Act, the Environmental Protection Guidelines for Pits and the Conservation and Reclamation Regulation.
20. Equipment used in daily operations shall be fitted with white noise or other low noise, multi-frequency backup alarms in place of tonal beeper alarms. Truck traffic shall be routed in a forward pattern that avoids the use of backup beeper alarms. Equipment required for road building, road maintenance, stripping and reclamation are not required to be modified.
21. Truck traffic shall be directed to under 50km/hr on haul route from highway to pit operations. Use of engine brakes are prohibited on haul route from highway to pit operations.
22. Stripping and reclamation operations shall be conducted in a timely manner and organized to cause minimal disturbance for neighboring property owners.
23. Failure to comply with any of the listed conditions may nullify the Development Permit.
24. Permit will be issued once agreements have been signed to the satisfaction of the Municipal District of Pincher Creek No. 9.

BACKGROUND:

On August 25, 2022, the MD received an application for an amendment to the Land Use Bylaw from Alberta Rocks Ltd. The amendment was for the change in land use designation of a portion of the SW 18-7-2 W5 from Agriculture – A to Direct Control – DC.

The purpose of the proposed amendment was to allow for the development of a natural resource extraction pit within a portion of SE 18-7-2 W5 (*Attachment No. 1*). The lands are located adjacent to

Recommendation to Council

the east side of Highway No. 507, approximately 1.65km (1.02 miles) south of the Highway No. 3 intersection. The proposed amendment Bylaw 1342-22 was given third and final reading on December 13 2022.

On January 5th 2023, the MD received Development Permit Application 2023-02, for the development of a Natural Resource Extraction Pit within the rezoned portion of SW 18-7-2 (*Attachment No. 2*).

This application is before Council because:

- Within the Direct Control – DC Land Use District, Council is the development authority for all proposed uses.

The applicant submitted a Pre-Disturbance Reclamation Plan, as an addition to the original application (*Attachment No. 3*).

On March 28th 2023, the proposed Development Permit went before Council. After thorough discussion, it was tabled on request for more information from Administration and updated conditions.

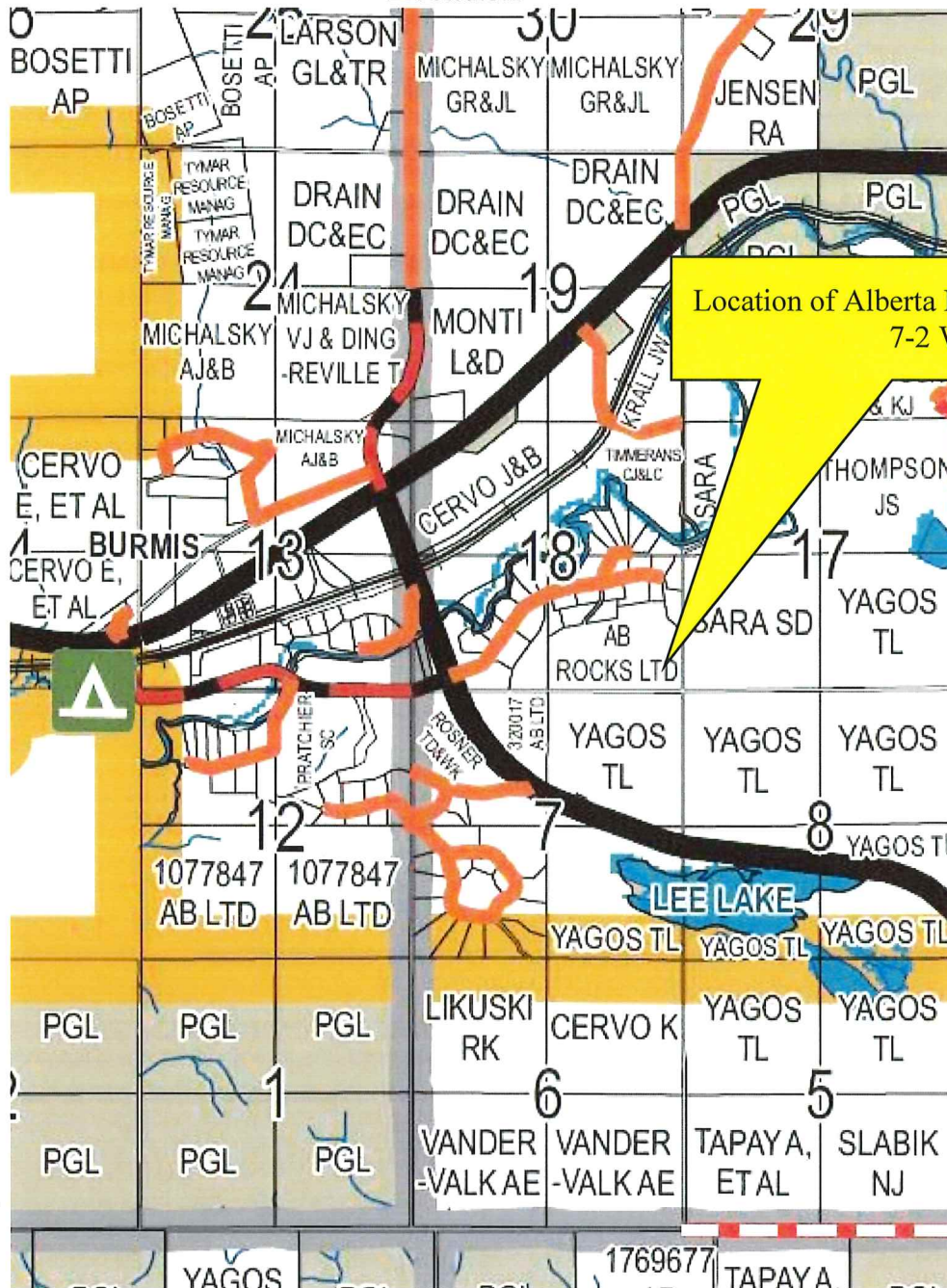
- Alberta Environment and Protected Areas was contacted with regards to the “un-approved pit”. It was determined that this pit, even after reclamation, is to be included in the total area for the Class II Pit designation.
- Therefore, the applicant must take into consideration the amount of acres of the disturbed area with road (*Attachment No. 4*) and reduce that from the proposed area in order to stay under the threshold for a Class II Pit. If they go over this amount, they are subject to receiving approval from Alberta Environment and Protected Areas for a Class I Designation.

FINANCIAL IMPLICATIONS:

- None

Recommendation to Council

Figure 1
Location





Municipal District of Pincher Creek
 P.O. Box 279
 Pincher Creek, AB T0K 1W0
 Phone: 403.627.3130 • Fax: 403.627.5070

DEVELOPMENT PERMIT APPLICATION

All grey areas will be completed by the Planning Authority

DEVELOPMENT PERMIT APPLICATION NO. 2023-2

Date Application Received Jan 5/23

PERMIT FEE ^{\$100 Permitted} ~~\$150 Discretionary~~

Date Application Accepted Mar 1/23

RECEIPT NO. 52794

Tax Roll # _____

IMPORTANT: This information may also be shared with appropriate government / other agencies and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact the Municipal District of Pincher Creek No. 9

SECTION 1: GENERAL INFORMATION

Applicant: Alberta Rocks Ltd (Craig Anderson)

Address: PO Box 242 Pincher Creek AB T0K 1W0

Telephone: 403 627 8719 Email: craig@alberta rocks ltd. com

Owner of Land (if different from above): _____

Address: _____ Telephone: _____

Interest of Applicant (if not the owner): _____

SECTION 2: PROPOSED DEVELOPMENT

I/We hereby make application for a Development Permit under the provisions of Land Use Bylaw No. in accordance with the plans and supporting information submitted herewith and which forms part of this application.

A brief description of the proposed development is as follows:

Extraction pit - (Natural Resource)

Legal Description: Lot(s) 14

Block _____

Plan 971 0740

Quarter Section SE - 18 - 7 - 2 - W5

Estimated Commencement Date: ASAP

Estimated Completion Date: _____

SECTION 3: SITE REQUIREMENTS

Land Use District: Direct Control - DE Division: 5

Permitted Use Discretionary Use

Is the proposed development site within 100 metres of a swamp, gully, ravine, coulee, natural drainage course or floodplain?

Yes No

Is the proposed development below a licenced dam?

Yes No

Is the proposed development site situated on a slope?

Yes No

If yes, approximately how many degrees of slope? _____ degrees

Has the applicant or a previous registered owner undertaken a slope stability study or geotechnical evaluation of the proposed development site?

Yes No Don't know Not required

Could the proposed development be impacted by a geographic feature or a waterbody?

Yes No Don't think so

<u>PRINCIPAL BUILDING</u>	Proposed	By Law Requirements	Conforms
(1) Area of Site	/		
(2) Area of Building			
(3) %Site Coverage by Building (within Hamets)			
(4) Front Yard Setback Direction Facing:			
(5) Rear Yard Setback Direction Facing:			
(6) Side Yard Setback: Direction Facing:			
(7) Side Yard Setback: Direction Facing:			
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

Other Supporting Material Attached (e.g. site plan, architectural drawing)

As per plans attached

ACCESSORY BUILDING	Proposed	By Law Requirements	Conforms
(1) Area of Site			
(2) Area of Building			
(3) % Site Coverage by Building (within Hamlets)			
(4) Front Yard Setback Direction Facing:			
(5) Rear Yard Setback Direction Facing:			
(6) Side Yard Setback: Direction Facing:			
(7) Side Yard Setback: Direction Facing:			
(8) Height of Building			
(9) Number of Off Street Parking Spaces			

Other Supporting Material Attached (e.g. site plan, architectural drawing)

SECTION 4: DEMOLITION

Type of building being demolished : _____

Area of size: _____

Type of demolition planned: _____

SECTION 5: SIGNATURES (both signatures required)

The information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts in relation to this application for a Development Permit.

I also consent to an authorized person designated by the municipality to enter upon the subject land and buildings for the purpose of an inspection during the processing of this application.

DATE: _____



Applicant

Registered Owner

Information on this application form will become part of a file which may be considered at a public meeting.

IMPORTANT NOTES:

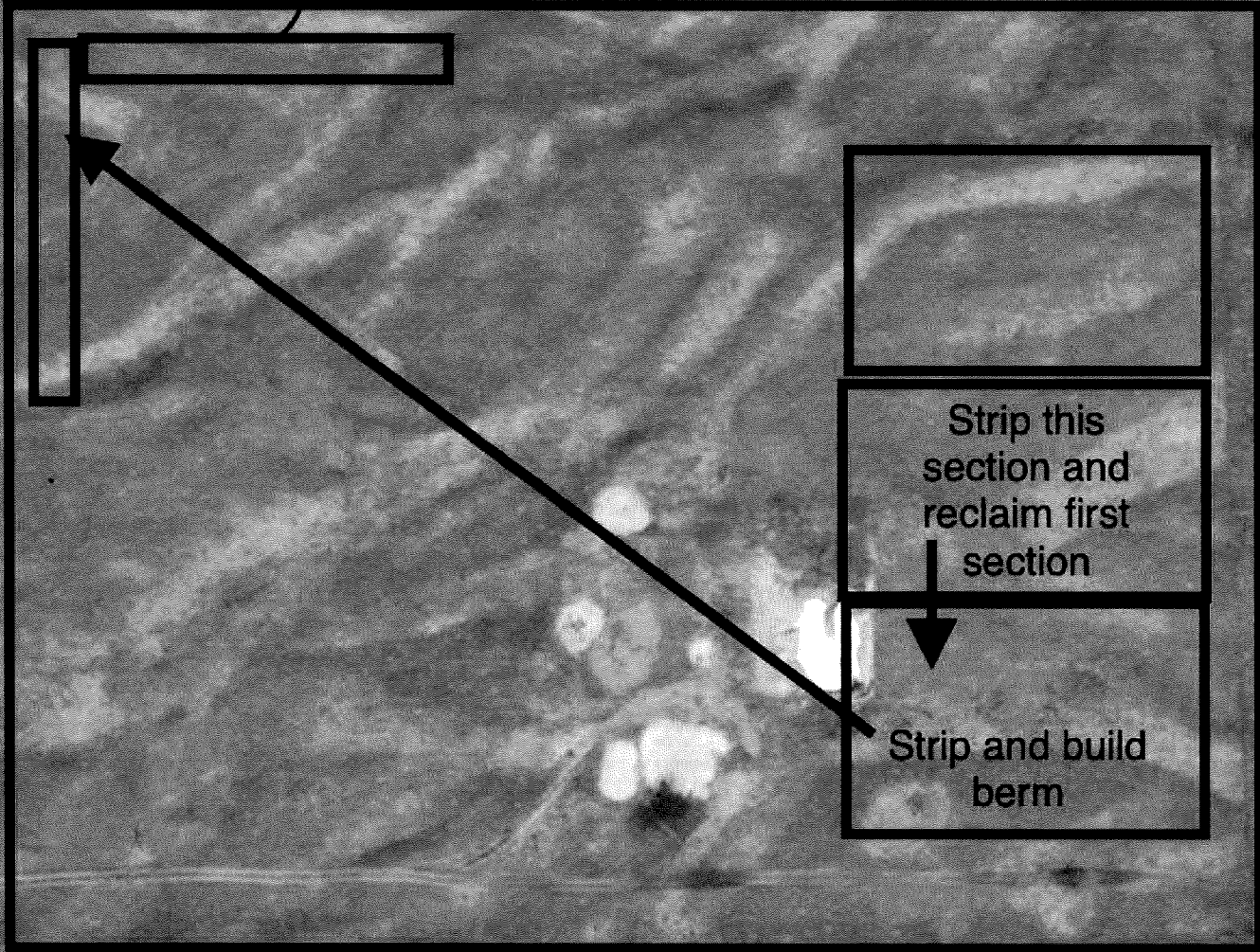
THE DEVELOPMENT OFFICER MAY REFUSE TO ACCEPT AN APPLICATION FOR A DEVELOPMENT PERMIT WHERE THE INFORMATION REQUIRED HAS NOT BEEN SUPPLIED OR WHERE THE QUALITY OF SUCH INFORMATION IS INADEQUATE TO PROPERLY EVALUATE THE APPLICATION.

1. In addition to completing this application form in its entirety, an application for a development permit shall be accompanied by the following information, where relevant:
 - (a) a lot plan at scale to the satisfaction of the Development Officer showing the size and shape of the lot, the front, rear and side yards, any provision for off-street loading and vehicle parking, access to the site, and the location of public utility lines, waterbodies and treed areas;
 - (b) a scaled floor plan and elevations where construction is proposed;
 - (c) at the discretion of the Development Officer, a Real Property Report as proof of location of existing development and a copy of the Duplicate Certificate of Title indicating ownership and encumbrances;
 - (d) if the applicant is not the registered owner, a written statement, signed by the registered owner consenting to the application and approving the applicant as the agent for the registered owner.
2. A non-refundable processing fee of an amount determined by Council shall accompany every application for a development permit.
3. Failure to complete the application form fully and supply the required information, plans and fee may cause delays in processing the application.
4. All development permits shall contain the following informative:

“ANY DEVELOPMENT CARRIED OUT PRIOR TO THE EFFECTIVE DATE OF THE APPROPRIATE DEVELOPMENT PERMIT IS DONE SOLELY AT THE RISK OF THE APPLICANT AND/OR LANDOWNER.”
5. In accordance with the *Municipal Government Act*, a development authority must, within 20 days after the receipt of an application for a development permit, determine whether the application is complete.

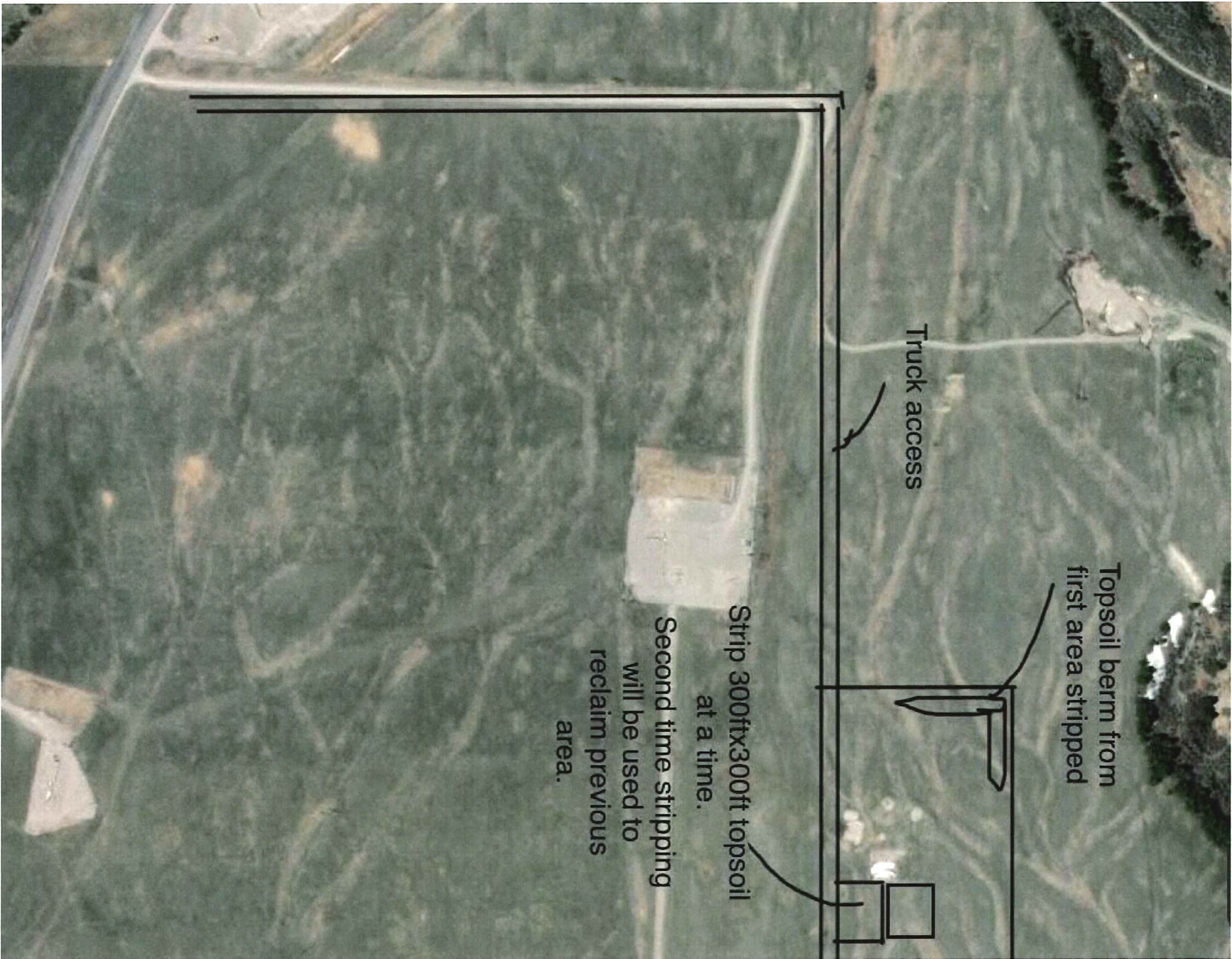
A decision on a completed application must be made within 40 days. After the 40-day period the applicant may deem the application refused and file an appeal within 21 days, of the expiry of the decision date.
6. Every approach to a residence is entitled to a civic address sign, supplied by the municipality. If your location does not already have a sign, please contact the MD Administration Office to make arrangements as soon as your approach has been constructed.

Topsoil berm from first area stripped



Strip this section and reclaim first section

Strip and build berm



Truck access

Topsoil berm from first area stripped

Strip 300ftx300ft topsoil at a time. Second time stripping will be used to reclaim previous area.

Proposed Amendment to Land Use By-Law 1315-19, MD of Pincher Creek No. 9

The following information is offered in support of an application to amend the MD of Pincher Creek Land Use By-Law moving the proposed 4.9 ha parcel from Agricultural to Direct Control.

We are asking for this amendment so we can apply to extract a natural resource (gravel) from the 4.9 ha site in the SE corner of Lot 14, Plan 971 0740, SE 18 7-2-5.

This information is offered to address objections raised at a public hearing held January 28, 2020 regarding a previous application.

We are proposing the following operational parameters:

- This will strictly be a gravel extraction operation; there will be no crushing or further processing on site. Gravel will be excavated and hauled to an existing Alberta Rocks operation to be further processed.
- There will be no retail sales from this site.
- There will be no buildings or bulk fuel storage tanks on site.
- We are proposing 8:00am to 4:00pm operating hours on week days only, no activity on weekends or holidays. The proposed access to the site will be on the east-west government road allowance adjacent to the extraction site. There is also an undeveloped road allowance straight south of proposed site.
- Any additional conditions required for road maintenance and dust control will be at the direction of the MD of Pincher Creek.
- As indicated in another attached document, (Appendix B), the site will be contoured and restored in accordance with Municipal and Provincial requirements. A good example of how a gravel pit can be properly restored is the old Rinaldi pit just west of this proposed operation.

Information also attached gives data on the environmental and infrastructure impact of hauling gravel into the area from long distances as well as letters of support for the need for locally sourced material.

We have also provided drone imagery of proposed site and surrounding area to bring a visual perspective to proposal.

Re: Application for Amendment to the Land Use Bylaw

Objective: to change the land use of 4.9 ha, being the southeast corner of Lot 14, Plan 971 0740, SE 18 7-2-5 , from Country Residential to Natural Resource Extraction (gravel).

Benefits:

“A Municipal Guide to Sand and Gravel Operations in Alberta”, 2007, makes the following statement: “The extraction of aggregate (sand and gravel) resources is vital to the growth of Alberta. Readily available supplies of aggregate are essential for development of the roads, buildings and infrastructure on which our society and our economy are built.” The proposed extraction area is 200M X 245M X 3.5M deep with a potential volume of 214,375 LCM of aggregate. Articles 1 & 2 (attached) emphasize the need to recover deposits of this important material. Villa Vega, and any other modern community, would not exist without the extensive use of gravel and rock for road building and concrete for basements, sidewalks and retaining walls.

Location:

This small proposed gravel pit is located at the property’s SE corner on a wide level bench that drops steeply away at its north margin, down a wooded hillside for approximately 500 meters to the main Villa Vega access road. The distance from the crest of the hillside to the pit perimeter varies generally from approximately 650 to 300 meters, with one site jutting in closer to the proposed pit. Elevation change for the upper wooded north-facing slope goes from 1243 M at the crest to 1210 M at the access road below, a drop of 33 meters over approximately 350 M distance. Of the approximately 21 lots in the subdivision, the proposed pit would be visible to only 2 of them. The balance of the dwellings are situated at various locations scattered throughout the timber along the north-facing slope, and within the grass/shrub cover north toward the river, some 650 M away at its nearest point.

In summary, the proposed gravel extraction site is small (4.9 hectares), well back (approx. 300 meters) in a southerly direction from the crest of the north-facing hillside which forms the south part of the Villa Vega residential area, and as far away east (downwind) as it can get from any residences. The nearest residence (one of only 2 that can see the proposed pit area) is approximately 300 meters away due north. The other visible residence is approximately 700 meters west of the proposed location. Properly placed berms, well-vegetated, should satisfactorily block pit operations from the view of both of these residences.

Access:

Pit access will follow an existing trail along the southern quarter section Right of Way. It will be upgraded to connect with the existing north/south ROW access road between NW7 7-2-5 and NE7 7-2-5 out to Hwy 507 to the east of the abandoned Rinaldi gravel pit.

Impacts and Mitigation:

Resource extraction operations such as gravel pits have many direct positive impacts — for example: municipal taxes and royalty payments, availability of local sources of aggregate for development of industry, transportation and residential, local jobs for equipment operators, trucking companies and house builders.

Negative comments related to gravel pits generally cite noise and visual as the principal impacts of gravel extraction operations.

Research into the climate of the area reveals that a typical day might see winds in the 50 – 90 km/hr range, a fact that has led to successful development of wind farms, and wind turbine towers are a familiar part of the area scenery. Siting this small Class 2 pit on the far southeast corner of SE18 7-2-5 will place it well downwind of the majority of residences in Villa Vega. It is anticipated that these same winds will significantly reduce the potential for most noises from downwind gravel extraction operations to be a disturbance to residents in the subdivision. Initial pit activities will see development of strategic berms to act as sound barriers that block potential work noises from escaping the pit area. Providing vegetative cover on berms by salvaging and seeding any available topsoil will also maximize the potential for this small pit to blend in with the surrounding topography.

In addition, the north-facing slope where many of the Villa Vega acreages are located is naturally well-treed, and it is anticipated that the vegetation cover there will continue to act as a buffer to suppress off-site noises. Existing noises would include highway (507 & 3) traffic, lawn mowers, chain saws, high winds and trains regularly passing through on CPR mainline.

Operation and Reclamation:

The aggregate deposit at this site is currently overlain by a thin, well-drained soil layer with characteristic grass/forb/shrub cover. There is some evidence to suggest that at some time in the past, an attempt had been made to cultivate the site, perhaps to grow grain or hay. For this site, low soil moisture, low soil nutrients, low rainfall and the drying effect of the predominant winds results in low grazing capability.

Operations will comply with existing Provincial and Municipal regulations and Codes of Practice applicable to gravel pit operations of this size.

The first step in development will be to salvage all surface materials capable of supporting vegetation growth. There is generally a native seed bank present in the surface layer which is beneficial in providing additional native seed source for reclamation. Surface materials will be sequentially removed and stockpiled for later spreading on the re-contoured pit slopes during the reclamation phase. Re-contouring during site reclamation can provide much-needed topographic variation in the form of humps, swales and microsites that encourage seedling establishment. The reclamation objective will be to re-contour and re-seed the site to establish a vegetation cover that will prevent erosion and eventually provide wildlife cover and forage.

Sound Levels:

Noise levels associated with gravel crushing activities at an operating pit were measured on September 20, 2019 during full production at the Alberta Rocks aggregate pit near the junction of Hwy 507 and Hwy 3. Sound levels were measured with an **Hti HT-80A sound level meter**. Distances were measured with a **Leica Rangemaster 1600-B range finder**.

The in-pit heavy equipment in use during the noise level monitoring was:

- . McCloskey J-40 crusher, McCloskey C-44 crusher, McCloskey ST-80 stacker, Extec sorter
- . 2 – 5 cu. yd. rubber-tired loaders
- . occasional gravel truck / trailer combinations removing product from the pit

Table of sound levels recorded in/near Alberta Rocks gravel pit – Sept. 20, 2019

Source	Distance (m)	Decibels (dB)
Background inside pit noise-truck idling, wind, crusher down	89	49
Hwy 3 traffic – cars, trucks, gusty wind- 5 min. duration sample	65	70.6 – 39
West pit access rd. – near Tp. Rd. 7-26 -4 min. duration	225	47.7 – 36.5
Mid-pit –Talon Peak Estates Road – 5 min. duration	230	47.7 – 37.4
East end of property – pit operating, Hwy 3 traffic @ 200 meters- 2 min.	500	60.3 – 39.2
East end of property – pit operating, Hwy 3 noise partial block – 2 min	450	52.3 – 32.9
Inside pit – operating – clear view W of crusher – 5 min. duration	145	66.6 – 46.3

Low noise levels associated with this operation are partly due to the presence of a 2 meter high vegetated berm along most of the pit perimeter, in addition to the fact that the pit develops in benches downward, effectively blocking sound from leaving the pit itself.

Additional noise sources:

Westbound CPR train – 2 diesel locomotives pulling oil cars - distance 170 meters - dB = 71.5 maximum

Re: Cross-section A – A'

This cross-section represents a slice south to north through the east part of the Villa Vega subdivision, originating in the area of the proposed pit then proceeding north through SE18 7-2-5 and part of NE18 7-2-5. It is intended to illustrate the gradient and orientation of the timbered north-facing slope. Residences in this area are across the flats, over the hill and well away from proposed development activities associated with this application.

Figure 1: Cross-section A - A'

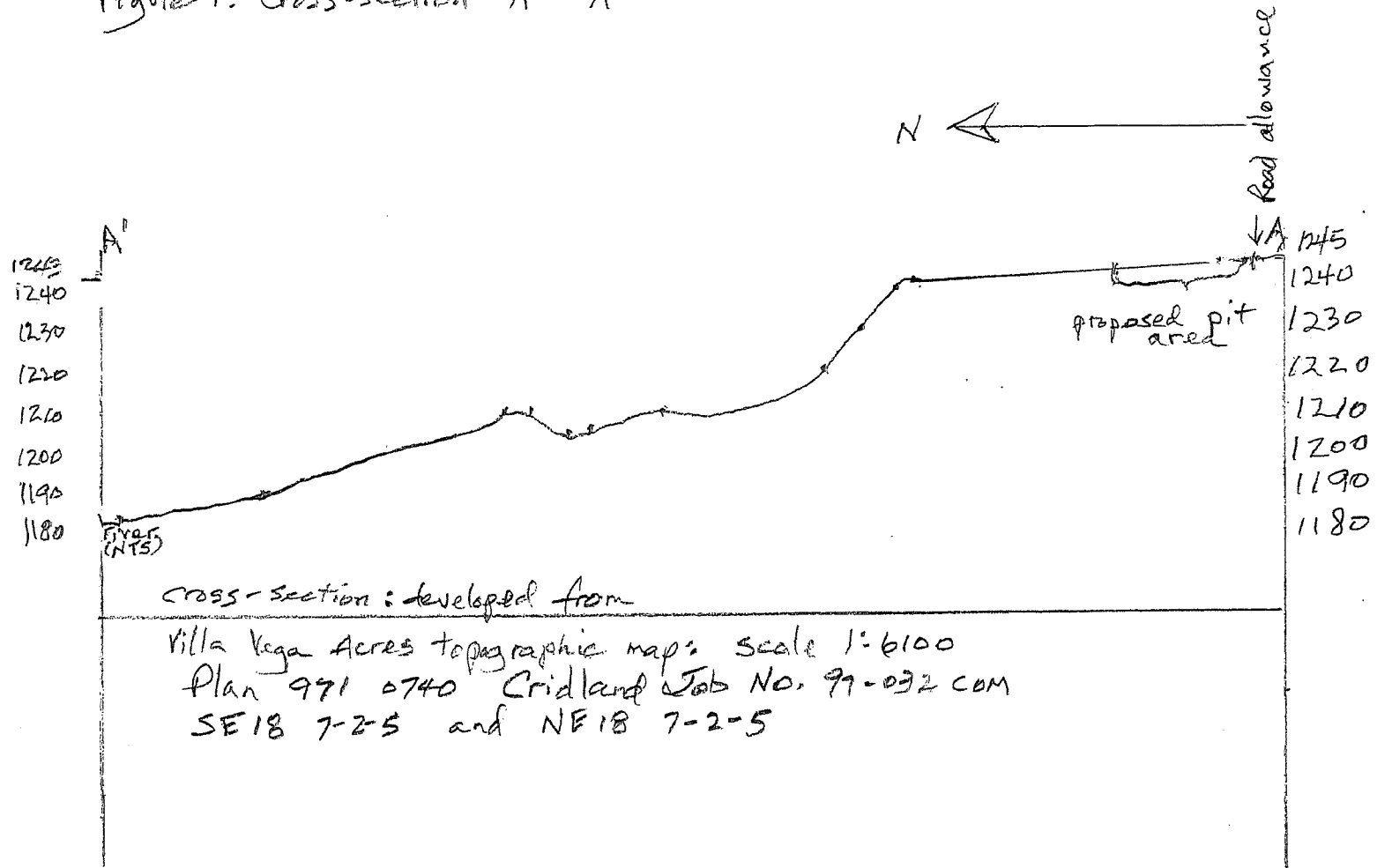
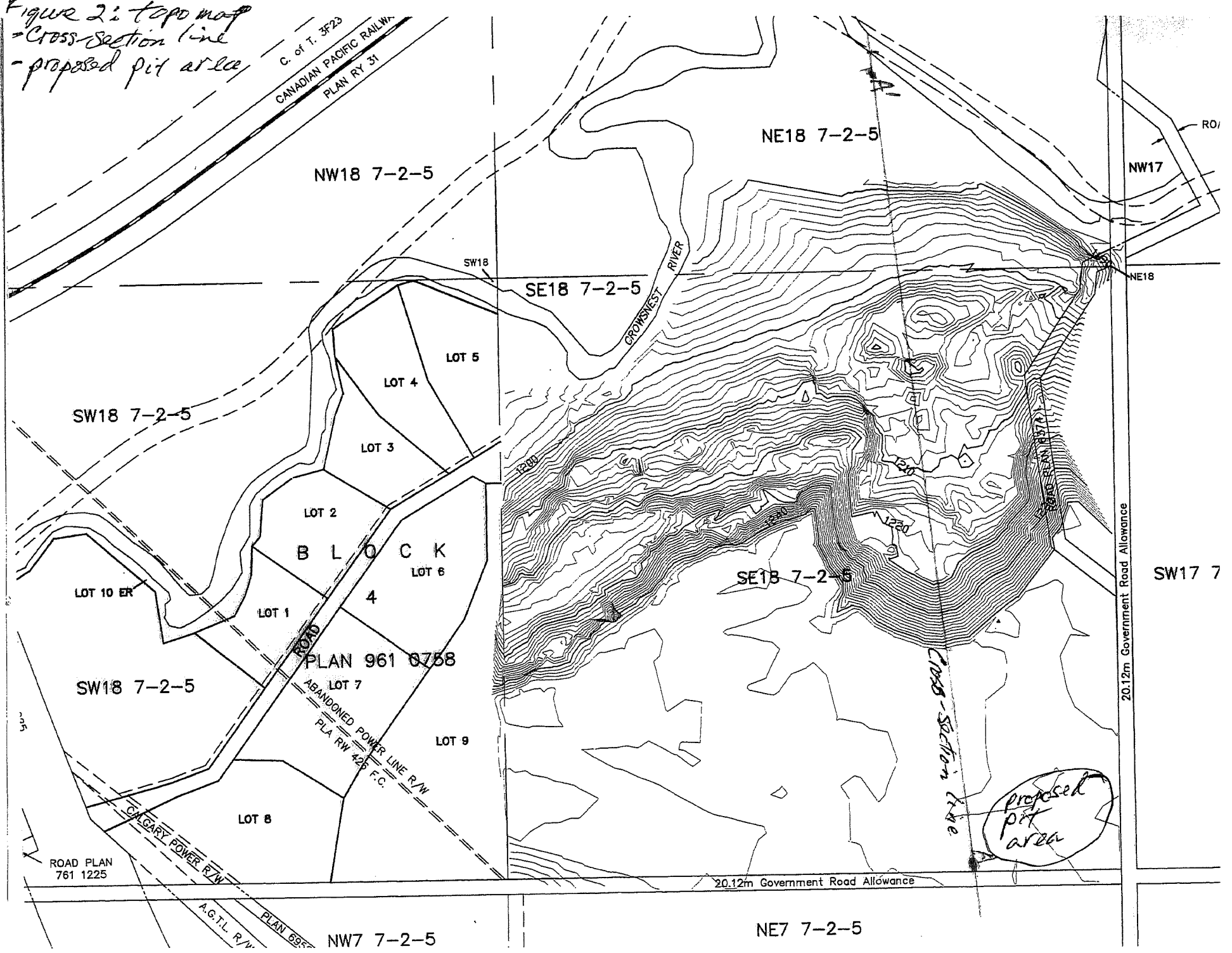
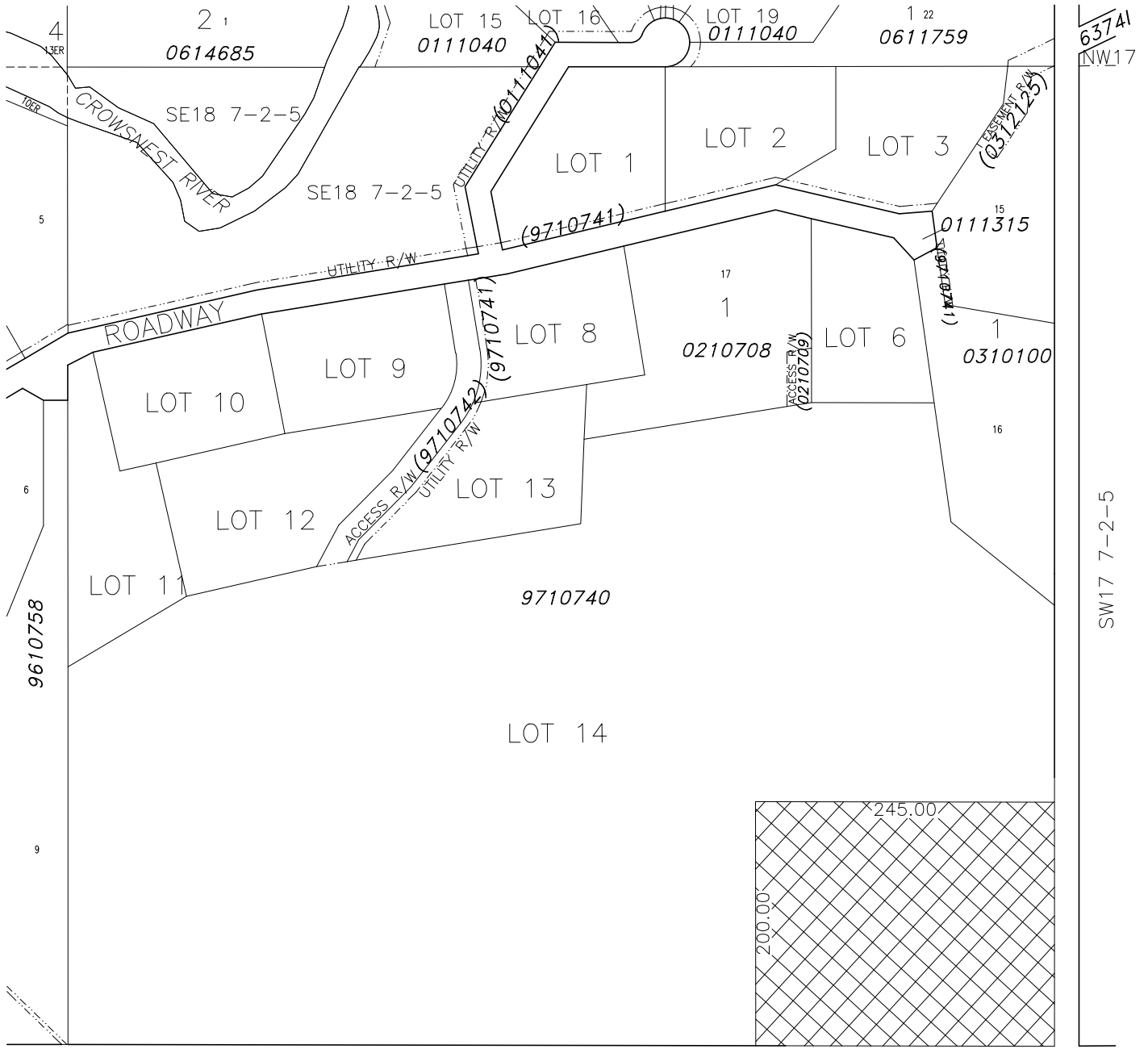


Figure 2: topo map
- Cross-section line
- proposed pit area





NW7 ; NE7 7-2-5 ; NW8

63741
NW17

SW17 7-2-5

4
3ER

2 1
0614685

LOT 15
0111040

LOT 16

LOT 19
0111040

1 22
0611759

SE18 7-2-5

SE18 7-2-5

UTILITY R/W (0111041)

LOT 1

LOT 2

LOT 3

EASEMENT R/W
(0312125)

(9710741)

15
0111315

ROADWAY

17
1

0210708

LOT 8

LOT 9

ACCESS R/W
(0210709)

LOT 6

(1110140)

1
0310100

LOT 10

ACCESS R/W (9710742)
UTILITY R/W

LOT 13

LOT 12

16

6

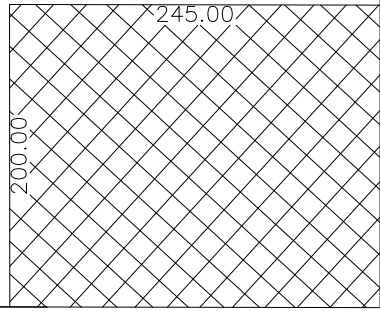
LOT 11

9710740

LOT 14

9610758

9



**PRE-DISTURBANCE RECLAMATION PLAN
FOR ALBERTA ROCKS GRAVEL PIT LOCATED AT
LOT 14, PLAN 9710740, SE 18-7-2-W5**

Prepared for:

Alberta Rocks Ltd.
Box 242, Pincher Creek, AB T0K 1W0

Prepared on:

March 22, 2023

Prepared by:

Hawkin Everts
1997561 Alberta Ltd.
Box 194, Pincher Creek AB, T0K 1W0

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1. BACKGROUND

In the spring of 2023, pending development approval, Alberta Rocks will commence operations for a new natural resource extraction pit located (Gravel pit) at Lot 14, Plan 9710740, SE 18-7-2-w5, near Burmis, Alberta.

The entire pit application encompasses 12.1 acres (4.9 ha), which does not trigger the requirement for a full environmental assessment; however, to complete proper due diligence, Alberta Rocks has requested a pre-disturbance reclamation plan.

The pit will be strategically excavated in 100m x 100m blocks and reclaimed following the extraction of the aggregates prior to excavating another 100m x 100m area. The 100m x 100m blocks sizing has been chosen to accommodate approximately 1 years' worth of aggregate supply depending on yearly demand and sales. Aggregate crushing and screening operations will be conducted at another approved location near-by.

Reclamation of the disturbances created during the aggregate extraction will occur immediately following the depletion of aggregate in the 100m x 100m blocks. As per reclamation best management practices, the reclamation scope of work will occur during fall or spring. Reclamation will be planned to occur within one year of topsoil removal and prior to removing topsoil from another block area.

2. RECLAMATION STRATEGIES

The intent of reclamation is to restore a disturbance to pre-disturbance conditions (or in some cases, to create a specifically desired outcome) by restoring the normal ecological functions of an area and reestablishing the capability of the system to be self-sustaining. In a general sense, this is achieved by replacing soil horizons in their correct order, reestablishing vegetation, and preemptively predicting and controlling the movement of exposed soils on-site until vegetation reestablishes.

Vegetation provides a variety of ecological functions which promote the diversity of all organisms and will restore ecosystem health as quickly as possible. Ecological functions selected for include:

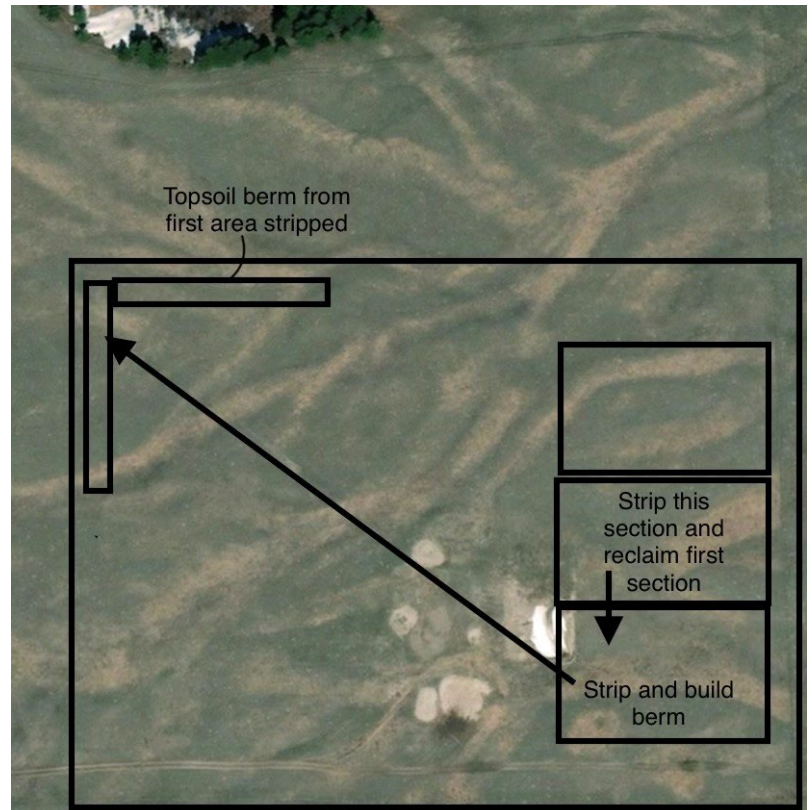
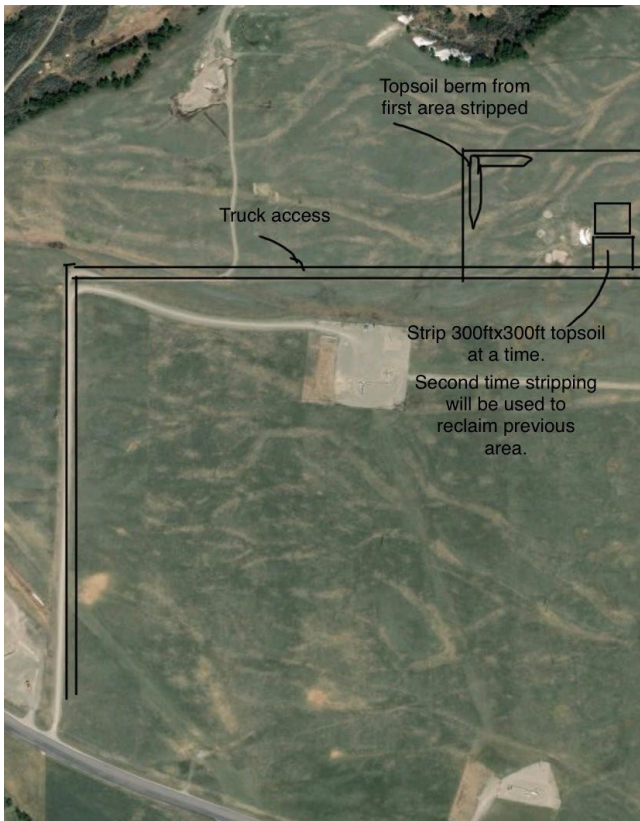
- Erosion and sediment control through strong root systems and rhizomatous reproduction;
- N₂ fixation into the soil;
- A blend of pioneer, mid-seral, and climax species, to both maximize biodiversity and ensure the disturbed community will be further along the appropriate trajectory of the surrounding area;
- Wildlife and livestock utilization, such as palatability, cover, and shelter values;
- Creation of litter build-up over a shorter time period. Litter:
 - Protects exposed soils from wind and water erosion;
 - Promotes water infiltration instead of surface run-off;
 - Provides material which will decay and provide nutrients for plant life and soil macro- and microorganisms;
 - And prevents new infestations of invasive non-native plants (weeds) from establishing.

The strategies selected for the reclamation of the disturbances on the gravel pit are listed below.

2.1 Site Preparation, Stripping and Soil Storage

Site preparation encompasses many techniques used situationally to ensure that site conditions maximize the ability of the site to revegetate as quickly as possible. The A and B horizons of the pit area soils have been found to be very thin, possibly due to poor historic farming practices in the area. Care and attention will be taken during stripping, handling and soil storage to mitigate loss of the valuable topsoil horizon. Strategies selected for the gravel pit reclamation include:

- Stripping of soils will occur with the supervision of a qualified reclamation supervisor to ensure admixing during stripping and storage does not occur within the thin soil horizons. Any soil from the lower portion of the B horizon or any soil from the C will be windrowed in a separate stockpile beside the A horizon topsoil.
- Sods contain valuable topsoil and vegetation propagules (seeds and rhizomes). The sods will be handled carefully during stripping and replacing to attempt to maintain the soil structure.
- Soils will be windrowed in a berm and broadcast seeded to prevent soil losses due to erosion until the area is ready for reclamation. To prevent breakdown and depletion of beneficial soil micro-organisms due to lack of oxygen and other factors, the previous year's topsoil berm will be used in the following years reclamation (see diagrams below)
- A rapidly establishing cover crop will be used in the berm seed mix to mitigate wind erosion.



2.2 Reclamation and Topsoil Replacement

Reclamation strategy for the yearly topsoil replacement of each 100m x 100m block will be as follows;

- Topsoil from the previously excavated blocks will be replaced as per their topsoil and subsoil storage
- Topsoil will be replaced over the subsoil in a “rough and loose” tactic to aid in rapid grass establishment. The dips and rises create microsites that retain moisture and promote a variety of natural infill over the long-term.
- Any track packing or hard-pan areas will be deep ripped prior to harrowing to create a proper seed bed.

2.3 Seeding

Vegetation Species will be selected to match the surrounding reference plant community based on the availability of those species in the marketplace. As communities change, species selected for an individual site will be chosen to match the surrounding community.

Vegetation reestablishment that matches the surrounding reference community:

- Is self-sustaining and requires no long-term maintenance;
- Restores the trajectory of the ecological composition, structure, and function of the ecosystem over time, both of abiotic and biotic factors;
- Stabilizes soil with its root systems;
- Protects bare soil with its canopy from erosional factors such as wind and water;
- Restores litter cover.

Grass seed will be applied by broadcasting at a rate of 35 kg/ha with a 10 kg/ha rapidly establishing cover crop added to the blend. After broadcast application, soil will be harrowed again and rolled to ensure both good seed-to-soil contact and to prevent seeds from desiccating before they have an opportunity to germinate. Timing of application will depend on season selected for reclamation due to depletion of aggregates in 100m x 100m block (See Reclamation and Seeding Schedules).

Seed certifications will be reviewed by a qualified reclamation consultant before purchase. Species selected are based on the surrounding reference plant community and current marketplace ability. Substitutions may be required if availability changes.

2.4 Erosion and Sediment Control

Erosion is the process where wind, water, ice, or other natural factors gradually remove or break down soil and/or rock.

Areas that are recently disturbed are prone to rapid soil loss from water and wind exposure. Erosion and sediment control (ESC) techniques aim to proactively minimize the potential of sediment that may be lost off-site before vegetation reestablishes.

The topography of the area is generally flat and not as susceptible to water or ice erosion as areas with steeper slopes.

Erosion will be mitigated by seeding both the soil berms/windrows and final topsoil placement in the reclaimed areas immediately following topsoil placement activities with a cover crop in the seed blend for rapid establishment.

2.5 Invasive Plant Mitigation

To prevent the spread and establishment of noxious and prohibited noxious weeds, the site will be monitored throughout the year and treated with herbicide in a timely manner appropriate for any invasive species growth. Continual monitoring and herbicide application on both the freshly reclaimed areas as well as the previously reclaimed areas and berms will mitigate the growth of newly emergent species as well as long-term establishment and spread.

2.6 Reclamation & Seeding Schedules

2.6.1 Spring

This is the ideal planting window. Weather at this time of year is usually temperate and wet, and installed plants have an opportunity to establish on-site in a low stress environment with adequate access to moisture and an opportunity to capitalize on the typical June rains. Grass seed has an opportunity to germinate in these same conditions. Both native in-fill and seeded grass species can capitalize on the entire growing season, stabilize soils sooner and compete with the invasive plants already established on-site.

2.6.2 Fall

The fall season typically has weather suitable for planting, with more temperate temperatures and accessible moisture; however, on occasion the early part of September can be hot and dry.

Grass seed should be applied at the end of the fall season to ensure that seed stays dormant until the following growing season. Early application can lead to germination, but plants will be susceptible to frost damage and roots would likely not have an opportunity to grow deep enough into the soil to be properly insulated to survive the winter.

3. SUMMARY

Reclamation activities are intended to restore the ecological functions of the disturbances due to aggregate extraction on the Alberta Rocks Gravel Pit. By committing to and following the recommendations in this reclamation plan, the restoration of the individual 100m x 100m blocks of gravel pit surface disturbance will be given the best chance of successful leading to a successful restoration of the entire gravel pit over time.



Perimeter: 933.34 m
Area: 2.1 acres

RE: Development Permit – 2023-02

As a follow up to my letter of March 22, 2023, I am adding the following concerns. I am a property owner in the Villa Vega Development; my property shares a boundary with Lot 14 on which the gravel pit listed in DP 2023-02 is proposed. The property was purchased in 1999 as a quiet country residential place to relax. I have relaxed and enjoyed a country atmosphere at the property for more than twenty years, and now I am face with questions and concerns around a proposed gravel pit.

- In my opinion, it seems that the wishes of one person are being put ahead of the concerns of several homeowners in Villa Vega. I have counted atleast twenty (20) homes that have been built on nearby lots that will be affected by the proposed gravel pit. I feel that something for the Council to consider is that residents were living here before a gravel pit application was put in.
- If the owners of Section 18 had developed the gravel pit *before* subdividing the remaining lots of the section for Country Residential, the prospective buyers/homeowners would have had a *choice* if they wished to live near an open gravel pit.
- But now, the *choice* for those homeowners has been put in the hands of the Council Members of MD, PC no.9. Perhaps Council can be asked to consider what they would wish to *hear*, and for some *see*, from their own homes every day? Several times a day.

Other questions that need to be considered would be:

- Amount of topsoil designated to be saved from the proposed pit area: will there be enough volume to create a berm that is high enough and sense enough to muffle the sound of the proposed operation? Even without crushing, excavation can't be done without creating noise and vibration.
- What other mitigating factors would be planned? How would this business operation be screened for those homeowners who can SEE the actual working machines from their home? Two homes have sight lines following directly to the digging operation. What compensation is planned for these homeowners?
- One household will especially be very affected by the noise and dust from trucks leaving the area and driving near their house every working day. *Several* times during every working day. At the least, it would seem fair that arrangements for compensation would be made to these homeowners, if the pit is allowed to operate.

I ask the Members of Council to consider the number of individuals on each side of the question and make a careful and fair decision, and also have in mind what they would consider to be a "pleasant" neighbor a few feet from their own front door.

I thank you for your consideration of my concerns.

Rowena
Cromwell Lot ,
Villa Vega

Duncan & Sandra Gano

Villa Vega –

April 12th, 2023

MD of Pincher Creek, all Council Members

1037 Herron Ave

Pincher Creek AB T0K 1W0

Development Permit Application No. 2023-02 Lot 14 Alberta Rocks

Dear MD of Pincher Creek Council Members

I would like to express my continued concern for the proposed gravel pit as well as include potential conditions for operating.

Just running some quick numbers based on the proposed 4.9 Hectare area to be developed: if we assume that the average gravel truck hauls 10 cubic metres per load (equivalent to 12 cubic yards) based on the area and calculating an extraction depth of 3 metres, this equals to 14'700 truck loads of gravel over the lifetime of this pit. Considering the trucks will cross Highway 3 going to and from the proposed pit to the main operating and crushing location at the existing base for Alberta Rocks, that is just shy of 30'000 crossings between Highway 507 and Highway 3. This intersection is already a high risk, particularly in summer with numerous campers going to and from B.C.

Should Council decide to move forward with approving this gravel pit, I feel that to reduce the risk of a MVC occurring at this intersection, that the proposed gravel pit operation be seasonal, restricted from late fall to spring, avoiding the higher volume of summer traffic. In addition to reducing the risk of an accident at this high risk intersection, this proposed seasonal use would decrease impact on the quality of life of Villa Vega residents by moving the operating months to a time when people are spending less time outside.

To the best of my understanding, one the main purpose of the Lundbreck-Burmis Corridor is to protect the migratory route of our local elk herd. I feel not enough consideration or significance on this point was taken into account in approving altering the land use designation from agriculture to direct control. The proximity of the proposed gravel pit and the operating of it will undoubtedly impact elk migration.

Our concern for potential impact to our personal aquifer also remains. I am unaware of any tests having been conducted as to depth of the aquifer and whether or not the gravel pit operation could potentially affect those of us dependant on this water source.

Both my wife Sandra and myself are hoping the proposed designated use of lot 14 as a gravel pit be reconsidered all together. There is no shortage of gravel deposits within the MD that could be developed without adversely impacting so many individual families.

Sincerely,

Duncan & Sandra Gano

To Reeve and Council.

We feel it necessary once again to request that Council consider the reasons why previous Councils denied gravel pits at this and other locations within the Burmis Lundbreck Corridor. We request that the Administration provide those application packages to the current Council so they have the benefit of that information. We do not have copies of all the packages and will not be available to attend the Public Hearing on April 19, 2023 to provide the information we have.

Previous Councils were protecting Country Residential properties from adjacent, non compatible industrial development. The almost 200 Country Residential properties within the Burmis Lundbreck Corridor deserve the protection from encroaching industrial development that was envisioned when the area structure plan was brought forward or amended. This represents more residential properties than the Hamlets of Lundbreck and Beaver Mines combined. Certainly a new resource extraction pit would not be allowed adjacent to the Hamlets.

Councils past and present have indicated that they have issues with the fragmentation of agricultural land. By rezoning the 4.9 Hectares on this parcel, this Council has done just that.

As indicated in our information packages to Councils numerous times over the years, we do not agree with a new industrial development on an adjacent property. There are numerous locations where gravel is available in the MD or elsewhere that would not impact residential properties or set a precedent that this development has the potential to do.

This development will adversely affect us directly in a number of ways on a daily basis. Who is watching out for our rights, Council?

At their March 28th Council meeting, the developer indicated that we could expect to see one to two trucks every 1/2 hour. This would result in at least 32 trucks coming and going past our residence on a daily basis. Will the dust suppression be as required when dry and dusty or will the dust suppression be permanent in nature?

The 32 trucks will have a visual and noise impact to us that none of the other residential properties have. Permanent berms have been identified for the pit area to reduce visibility and noise. No screening of the visual impact or noise of the trucks on the access road has been identified or included in the development conditions put forward by Administration. A tall snow fence with trees could be a viable option.

We have been told that Alberta Transportation is looking to close accesses to the Highway System rather than adding additional access to the system. We understand this rationale on the primary highway system being built to interstate standards namely Highways 3, but feel that same rationale on Secondary Highway 507 and others will prevent the orderly development of properties that currently do not have viable

constructed access to the highway system. Council should challenge Alberta Transportation on this as it restricts future access to the highway system unnecessarily and puts traffic from this development in an unsafe intersection when compared to the direct route south to Highway 507.

Council currently has no way of confirming that the applicant is only operating the pit during the hours being considered. How will Council monitor the operations of the pit to ensure compliance with the conditions?

We find it irresponsible for this Council to overturn a previous Council's decision.

Do the right thing and deny this application.

Sincerely,

Ruth and Leo Reedyk

October 7, 2022, April 2023

To the MD of Pincher Creek No. 9;

Re: Proposed Public Hearing amendment to Land-Use-By-Law 1342-22, MD of Pincher Creek No. 9

Please consider this letter as our formal objection to the proposed amendment to land use submitted by Alberta Rocks Ltd., October 2022 which directly affects the residents of the Villa Vega subdivision, Burmis.

Our specific and general concerns derive from perceived misinformation or a lack of information and uninformed considerations as outlined by Alberta Rocks Ltd. in their application represented to the MD of Pincher Creek. While Alberta Rock's proposal claims to be addressing specific issues raised at the public hearing held January 28, 2020, and regarding their previous application (which was denied), most of the objections made by the residents of the East Burmis subdivision, Villa Vega Acres, we feel, have still not been adequately addressed or have been ignored entirely.

Pointedly, there is considerable ambiguity with regards to the parameters of the site excavation pit size, which is indicated in the Alberta Rock's proposal as designed specifically to escape regulation of Class 1 pit operations by the province of Alberta. As a Class 2 pit designation, which falls dangerously short of the minimum pit size of a Class 1 pit, we would like clarification from the MD of Pincher Creek as to what will happen if this proposed pit is enlarged to a Class 1, and who, specifically is responsible for monitoring this event in terms of inspection, enforcement and liability—the MD or the province?; and what changes to this proposed amendment will being a Class 1 pit mean for the residents of Villa Vega? Either way, we have major concerns regarding the enforcement of codes of practice regarding reclamation, the expected duration of operations, future expansion and responsibility and regulatory requirements.

Further, Alberta Rock's addressing of noise issues relating to gravel pit operations are misleading and ambiguous (referring to their noise effect study) as are their suggestions for restricting dust caused through operations and hauling.

As the MD is aware of, this parcel of land proposed for redevelopment as a gravel pit runs directly parallel to the Burmis Lundbreck Corridor which has been identified as an environmentally sensitive area for ungulate habitat and migration, as well as, the probable site of protected fescue grassland. Just wondering what studies have or should be done to protect environmental concerns. It is our understanding that one of the objectives of the Burmis Lundbreck Corridor Area Structure Plan (established in the 1980's and amended in 2012) is to limit industrial use. The Direct Control process allowing gravel extraction to adjacent land, we feel, contravenes the purpose and vision of this environmental conservation objective and is a major concern for us. Given that the vision of "The Burmis Lundbreck Corridor area structure plan will strive to achieve an appropriate balance between community growth, a variety of lifestyles, and the natural features that promote visual, historical, cultural and environmental harmony," perhaps an environmental assessment would be prudent to avoid confrontation or liability?

Relating to this on a more personal note, since building our home here in Villa Vega in 2005, we have spent countless of hours walking and exploring the myriad of trails, fields, river pathways and road allowances near our home and the immediate surrounding area. We came here for the natural beauty and isolation this area offers and can attest to the abundance of wildlife with whom we coexist—deer, bear, cougars, moose, elk, coyotes, fox, beaver, otters, turkeys, and, yes, even skunks and bats! We are, thus, also gravely concerned for the effects that the noise, dust, traffic and disruption of a gravel pit, which would prospectively be situated right in the midst of the migratory habits of these animals as they move between the river and the forest. The parameters of the effects of a gravel pit are far reaching and all aspects of concerns need to be addressed thoroughly and comprehensively. This is not a simple disagreement between industry and a residential community.

While all of these concerns relating to this proposed gravel pit development are substantial and unique, the two most important personal issues for us involves uninformed considerations relating to gravel truck traffic and water. Specifically, the number of loads that will be removed each day which will directly correlate to the number of trucks entering and leaving Hwy 507, the potential for trucks using TWSP Road 7-2 (which runs directly past our property) and, especially, our safety concerns of truck traffic crossing the already identified as potentially dangerous intersection of Hwys 3 and 507. This intersection, we believe, should be of a particular safety and liability concern for the MD of Pincher Creek, especially given the increasing traffic along this section of highway over the years.

When we purchased our land in 2004 (coincidentally from Vince Anderson), we built a house with the intention of retiring in this residential area. We now live here mostly full time. The terms of our original purchase included a full serviced lot with water. As with all of the residents of the Villa Vega subdivision, we were provided with a cistern water system derived primarily from groundwater which originates from Lee Lake and underground springs which run directly under the proposed Alberta Rocks gravel pit area plan. After reading Alberta Rock's proposal, there does not seem to be any due diligence given regarding aquifer and groundwater considerations under the provincial Water Act. This is more than just a minor concern as contamination, disruption or damage caused by the proposed gravel pit will directly affect each and every current homeowner and prospective homeowners in this subdivision. We strongly urge the MD of Pincher Creek to request a comprehensive geotechnical evaluation of aquifer and groundwater be completed before even considering making any land use amendments in this area. And, as stated in the Burmis Lundbreck Corridor Structure Plan, "water supply... is one of the most important considerations in terms of both quality and quantity of the resource." We believe that this gravel pit could endanger both of these aspects for the immediate and surrounding community.

For all of the above reasons, we strongly urge the MD of Pincher Creek to NOT approve the application made by Alberta Rock's proposed amendment to Land-Use-By-Law 1315-19, MD of Pincher Creek No. 9.

Thank you for your consideration.

Sincerely,

Kevin and Sandy Watson

(Lot , Villa Vega Acres)

PS As per Mr. Scott's comment given in the article concerning Alberta Rocks in "Shootin' the Breeze" last week, maybe we need to take a breather and consider all aspects of this land use agreement. What is the urgency in pushing this amendment through? Especially without any official, professional and unbiased review and/or consultations.