

Briefing Note

Title	5:30 p.m. Public Hearing – Bylaw 1607/22 – Amendment to Land Use Bylaw 1385/17 – Resource Extraction Regulatory Review Proposed Amendments
Issue	To receive comments from the public regarding proposed amendments to Land Use Bylaw 1385/17 in response to the County’s multi-year resource extraction regulatory review.
Previous Council / Committee Direction	<p><u>February 14, 2023 Regular Council Meeting</u> Motion 016/23: That Council schedule a Regular Council Meeting on March 15, 2023 at 5:30 p.m. in Council Chambers for the purpose of holding Public Hearings for Bylaw 1607/22 and Bylaw 1608/22.</p> <p><u>January 24, 2023 Regular Council Meeting</u> Motion 007/23: That Council give first reading of Bylaw 1607/22.</p> <p>Motion 009/23: That Council direct Administration to bring forward a public communications plan related to the implementation of Resource Extraction Regulatory Review recommendations at the time that Bylaws 1607/22 and Bylaw 1608/22 are presented for consideration of third reading.</p> <p>Motion 010/23: That Council direct Administration to, subject to the final approval of Bylaws 1608/22 and 1607/22, implement the following Resource Extraction Regulatory Review recommendations by or before September 30, 2023:</p> <ul style="list-style-type: none"> a) Compile a groundwater monitoring policy and necessary management plans as required; b) Bring forward a recommended approach for municipal compliance and education resourcing, to complement enhanced operator quarterly reporting and annual third-party validation requirements; c) Develop a new municipal communications and information platform to support all stakeholders in local resource extraction activity, inclusive of a dedicated web platform, educational materials, contact information, newsletters, and more; d) Conduct a review of the Community Aggregate Payment (CAP) Levy allocation model to reflect a greater expected revenue over time, the appropriate distribution of broad community benefit versus benefit to communities near aggregate operations, the percentage of allocations for different types of initiatives (community facilities, local programs and services, infrastructure, municipal tax relief,

- etc.); and the possibility for supportive policies and procedures related to the allocation of the CAP Levy; and
- e) Review the Calahoo-Villeneuve Sand and Gravel Advisory Committee terms of reference to identify a geographic area, membership, and other elements that are reflective of known extraction areas in Sturgeon County.

November 15, 2022 Regular Council Meeting

Motion 412/22: That Council defer Item 6.1 to a Council Meeting in Q1 2023.

October 25, 2022 Regular Council Meeting

Motion 394/22: That Council accept the Resource Extraction Regulatory Review's Consolidated What We Heard Report as information.

Motion 395/22: That Council rescind Motion 178/21.

Motion 396/22: That Council direct Administration to prepare proposed amendments to Land Use Bylaw 1385/17 to add performance standards to the RE – Resource Extraction District and prepare a new RE DC1 – Resource Extraction Direct Control 1 District.

Motion 397/22: That Council direct Administration to prepare a bylaw to repeal the Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan Bylaw 922/01, to be considered concurrently with proposed amendments to Land Use Bylaw 1385/17.

Motion 398/22: That Council direct Administration to bring forward implementation requirements and plans for other Resource Extraction Regulatory Review Final Report recommendations and provide for approximately 9 months until the effective date of any bylaw amendments to allow for transitional requirements.

Additional previous Council/Committee direction provided from June 25, 2019 to August 23, 2022 can be found in Attachment 2.

Report

Background Information

- Sturgeon County is a municipality with plentiful aggregate resources, particularly sand and gravel. The County works to balance economic, social, health, and environmental outcomes in regulating resource extraction operations in the municipality.
- Extraction has occurred within Sturgeon County for over 30 years, however:
 - Many of Sturgeon County's land use regulations related to resource extraction were identified for modernization to ensure competitive alignment while balancing potential impacts.
 - Approximately 50% of local resource deposits have been progressively extracted, with another 20% under extraction.

Current regulations make part of those deposits uneconomical or inaccessible to extract.

- The extraction industry provides economic benefits, with jobs, municipal revenues, and other spin-off benefits. Without these important economic and revenue benefits, the County's revenues are constrained, and communities lack their maximum economic potential.
- Resource extraction operations can have real and perceived impacts on neighbouring residents, environmental conditions, and overall quality of life. During engagements over recent years, these impacts have been clearly articulated.
- Considering these factors, Council directed Administration to review the County's resource extraction regulatory model and bring forward recommendations that best reflect a **balance between economic development, environmental stewardship, and community well-being**.
- The Resource Extraction Regulatory Review (RERR) was a comprehensive review of Sturgeon County's resource extraction regulations, with extensive stakeholder engagement and expert analysis conducted over more than two years.
- A "Resource Extraction Regulatory Review Final Report" was completed in March 2021 (see [Resource Extraction Regulatory Review - Final Report, March 2021](#)). Eight recommendations were provided.
- Following the completion of the Final Report, a third phase of stakeholder engagement was conducted to receive feedback on the final recommendations. All stakeholder feedback is summarized in the consolidated What We Heard Report (Attachment 3).
- While there is no consensus from participants (industry and stakeholders) regarding an 'ideal' regulatory model, the majority agreed that change which strikes an appropriate balance between economic benefit, environmental stewardship, and community well-being is required.
- In consideration of the goals of the RERR, all resident and stakeholder inputs to date, best practices, and optimal process, amendments to the County's Land Use Bylaw are proposed that promote a balanced model for years to come.
- **Bylaw 1607/22 (Attachment 1)** would provide for the inclusion of **additional regulations to the existing RE – Resource Extraction land use district**. These include:
 - Transportation performance standards that represent a comprehensive traffic management strategy, including both on-site and off-site mitigation measures;
 - Groundwater management requirements, and
 - Community consultation and communication requirements that require an operator to host consultation before any gravel

application is received, and to communicate quarterly throughout the lifespan of any operation.

- While maintaining the existing setbacks of:
 - 400 metres (1,312.3 feet) as measured from the outside wall of an existing dwelling to the nearest edge of the operating area of a natural resource extraction and secondary processing use; and
 - 800 metres (2,624.6 feet) as measured from the district boundary of a multi-lot subdivision, hamlet, or area subject to an approved planning document that includes residential development.
- **Bylaw 1607/22 (Attachment 1)** would also provide for the inclusion of a new **a site-specific resource extraction direct control land use district** in the Land Use Bylaw (DC - RE 1 Resource Extraction – Direct Control 1). This district provides for:
 - Built-in flexibility, where exact setback(s) from dwellings would be determined on a case-by-case basis, based on specific scientific analysis and consideration of site-specific factors, required performance measures, and other inputs.
 - A full range of enhanced performance standards, applied on a case-by-case basis, that could include:
 - Noise performance standards that include mitigation measures (e.g., the implementation of new technology) and compliance with specific decibel limits;
 - Air quality performance standards, which require compliance with specific provincial limits and adherence to leading mitigation measures;
 - Setbacks for any secondary processing activities;
 - Prescribed hours of operation;
 - Requirements for progressive extraction and reclamation;
 - Transportation performance standards that represent a comprehensive traffic management strategy, including both on-site and off-site mitigation measures;
 - Groundwater management requirements; and
 - Community consultation and communication requirements that require an operator to host consultation before any gravel application is received, and to communicate quarterly throughout the lifespan of any operation.

Implementation Matters

- Council had previously supported that Bylaw 1607/22 would include an effective date of September 30, 2023, if approved. This phased effective date would support the following activities:
 - The development of a groundwater monitoring policy for consideration by Council for approval prior to the effective date of Bylaw 1607/22. At present, the County has a groundwater monitoring program for gravel pits in the Calahoo-Villeneuve area, but the program has not been formalized in a policy/bylaw and no management plans have been compiled or implemented;
 - Recruitment and onboarding of a new 0.8 FTE development compliance officer position approved through the 2023 Budget that prioritizes compliance and enforcement of gravel extraction operations and public engagement / reporting – a key recommendation within the Final Report and an important factor to many residents through the public engagement;
 - Development of a new municipal communications and information platform to support all stakeholders in local resource extraction activity, inclusive of a dedicated web platform, educational materials, contact information, newsletters, and more;
 - Completion of a review of the Community Aggregate Payment (CAP) Levy allocation model to reflect expected revenue over time, the appropriate distribution of financial benefits, the percentage of allocations for different types of initiatives (regulatory support, community facilities, local programs, infrastructure, municipal tax relief, etc.); and the possibility for supportive policies and procedures related to the allocation of the CAP Levy; and
 - Review of the Calahoo-Villeneuve Sand and Gravel Advisory Committee Terms of Reference to identify a geographic area, membership, and other elements that are reflective of known extraction areas in Sturgeon County.

External Communication

- Stakeholder engagement for the RERR, which informed the Final Report and the final contents of the Land Use Bylaw amendment, has been one of the largest such engagements ever for Sturgeon County. It included months of public engagement, several channels / opportunities for input, and generating hundreds of individual responses for consideration. This was complemented with best practice reviews and input from expert advisors.
- The first phase of public engagement was a month-long online engagement, held in spring 2020. The second phase of public engagement was held between October and November 2020. The third phase occurred during May 2022 and included an open house and online sessions with the Planning & Development department. Overall, the first and second phases were used to develop the Final Report, with the third phase focusing on Final Report recommendations. The findings

	<p>of these three phases can be found in the Consolidated What We Heard Report (Attachment 3).</p> <p><u>Relevant Policy/Legislation/Practices</u></p> <ul style="list-style-type: none"> • Municipalities have limited jurisdiction in resource extraction beyond land use provisions. Most regulations are within the purview of the Government of Alberta. • <i>Municipal Government Act</i>, RSA 2000 c M-26 as amended (MGA) • Land Use Bylaw 1385/17
Implication	<p>Planned Growth: Plans for responsible growth and manages growth for current and future developments through leading approaches adopted in the Land Use Bylaw supports a strong economic foundation for Sturgeon County.</p> <p>Thriving Communities: Recommendations protect resident well-being, safety, and quality of life through comprehensive performance standards; reviews of Sturgeon County's CAP levy ensure funds are being directed to programs, services, and infrastructure that best supports communities.</p> <p><u>Organizational</u> This review required considerable staff time, and implementation items will continue to do so, resulting in the delay or deferral of other priorities where required.</p> <p><u>Financial</u> The Council-approved budget for this review is now fully expended. Future recommendations that have a financial impact will be brought forward for consideration over the implementation timeframe.</p> <p>Implementation of the new regulatory model could have a positive financial impact for Sturgeon County, its landowners, and its industry partners over time, depending on the degree of resource sterilization.</p>
Follow Up Action	<ol style="list-style-type: none"> 1. Bring the Bylaw back to Council for consideration of second and third readings, with any amendments recommended in consideration of Public Hearing inputs (Planning & Development Services, April 2023).
Attachment (s)	<ol style="list-style-type: none"> 1. Attachment 1: Bylaw 1607/22 2. Attachment 2: Previous Council/Committee Direction 3. Attachment 3: Consolidated What We Heard Report 4. Attachment 4: Public Hearing Process (County as Applicant) 5. Attachment 5: Written Submission
Report Reviewed by:	<p>Bonnie McInnis, Manager, Planning & Development Services</p> <p>Travis Peter, General Manager, Development & Strategic Services</p> <p>Reegan McCullough, County Commissioner – CAO</p>

Strategic Alignment Checklist

Vision: *Offering a rich tapestry of historical, cultural, and natural experiences, Sturgeon County is a municipality that honours its rural roots and cultivates desirable communities. Uniquely situated to provide world-class agricultural, energy, and business investment opportunities, the County prioritizes responsible stewardship and dreaming big.*

Guiding Principles: Collaboration | Accountability | Flexibility | Excellence | Safety | Future Readiness | Affordability | Innovation

Community Outcome	Not consistent	Consistent	N/A
Planned Growth			
<ul style="list-style-type: none"> Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Modern broadband and digital capabilities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Low cost, minimal red-tape regulations 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thriving Communities			
<ul style="list-style-type: none"> Beautiful, surprising places with high standards; integrated natural spaces & trail systems; healthy and resilient 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Engaging cultural, historical, and civic amenities; strong community identity and pride 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Environmental Stewardship			
<ul style="list-style-type: none"> Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Sustainable development; partnerships with industry and others to drive emission reductions 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Collaborative Governance			
<ul style="list-style-type: none"> Predictable and stable external relationships; volunteer partnerships 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Meaningful connections with Indigenous communities 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Respectful and informed debate; clear and supportive governance processes 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Operational Excellence			
<ul style="list-style-type: none"> Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Quality cost-effective service delivery; robust procurement and operational practices and policies; asset management and performance measurement; careful debt and reserve stewardship; long-term financial planning and sustainability 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> Future focused thinking to proactively respond to emerging opportunities and challenges 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Alternative revenue generation and service delivery models integrated strategic and business planning 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>