

## Request for Decision

<b>Title</b>	<b>Bylaw 1607/22 - Resource Extraction Amendments to Land Use Bylaw 1385/17 and Bylaw 1608/22 - Repeal of the Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan Bylaw 922/01</b>
<b>Proposed Motion</b>	<ol style="list-style-type: none"> <li>1. That Council give second reading of Bylaw 1608/22.</li> <li>2. That Council give third reading of Bylaw 1608/22.</li> <li>3. That Council postpone consideration of second reading of Bylaw 1607/22, to allow for additional analysis of stakeholder feedback.</li> <li>4. That Council direct Administration to compile a groundwater monitoring policy and necessary management plans as required.</li> </ol>
<b>Administrative Recommendation</b>	<p>Administration recommends that Council give second and third readings of Bylaw 1608/22 to allow for the repeal of the Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan Bylaw 922/01.</p> <p>Administration also recommends that Council postpone consideration of Bylaw 1607/22 and related matters to allow for additional analysis of stakeholder feedback.</p>
<b>Previous Council / Committee Direction</b>	<p><u>April 11, 2023 Regular Council Meeting</u> Motion 133/23: That Council postpone item 6.2 to the April 20, 2023 Regular Council Meeting.</p> <p><u>March 15, 2023 Regular Council Meeting</u> Public Hearings were held to hear any submissions for or against Bylaw 1607/22 and Bylaw 1608/22.</p> <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 1608/23.</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 008/23: That Council give first reading of Bylaw 1608/22.</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 1608/22 are presented for consideration of third reading.

Motion 010/23 That Council direct Administration to, subject to the final approval of Bylaws 1607/22 and 1608/22, implement the following Resource Extraction Regulatory Review recommendations by or before September 30, 2023:

- 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 1.

## Report

### Background Information

- Sturgeon County has long been a municipality with plentiful extractable resources, particularly sand and gravel. The County seeks to balance economic, social, health, and environmental outcomes in regulating the resource extraction operations in the municipality.
- Sand and gravel extraction has occurred within areas of Sturgeon County for decades; however, several situations now exist:
  - Some of Sturgeon County's land use regulations related to gravel extraction are over 30 years old and require modernization and competitive alignment.
  - 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 has a high local economic impact, with jobs, municipal revenues, and spin-off benefit.
  - Resource extraction operations can have both real and perceived impact on neighbouring residents, environmental conditions, and overall quality of life.
- 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 factors**.
- 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.
- As part of this Resource Extraction Regulatory Review, the existing Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan Bylaw 922/01 (ASP) (see Attachment 3) was reviewed. It was noted that:
  - Only the Calahoo-Villeneuve area is subject to the policy framework of a statutory Area Structure Plan despite other areas of Sturgeon County having active resource extraction occurring.

- The ASP was approved over twenty years ago, in 2001, and most of its policies have either been implemented or could not be practically implemented.
  - The ASP no longer provides additional benefit to residents, as past amendments to the Land Use Bylaw and the amendments proposed in Bylaw 1607/22, now capture the protections.
- 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 as part of the program.

### **Bylaw 1607/22 and Recommendations**

- To allow additional opportunity to consider public feedback at the March 15, 2023 Public Hearing and Council comments at the April 11, 2023 Regular Council Meeting, Administration recommends that Council postpone second reading of Bylaw 1607/22.
- If supported by Council, Administration will re-present Bylaw 1607/22 and supporting materials for consideration at a future Council meeting. If Council directs additional amendments and those amendments are substantive, a second Public Hearing for Bylaw 1607/22 would be required.
- Administration recommends that Council proceed with consideration of second and third readings of Bylaw 1608/22. The repeal acknowledges that:
  - There are several benefits to repeal, described in the previous section.
  - The County is receiving applications for amendments to the Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan (ASP), which would not be required if the bylaw is set for repeal;
  - Repeal would improve developer certainty and streamline future process; and
  - No members of the public spoke in opposition to the repeal of the ASP at the Public Hearing.

### **External Communication**

- After first reading of the proposed repeal of the Calahoo-Villeneuve Sand and Gravel Extraction ASP (Bylaw 922/01), Public Hearings were scheduled in accordance with requirements of the *Municipal Government Act*. The Public Hearing provided an opportunity for the public and other stakeholders to provide input on the proposed Bylaw.
- The Public Hearing for Bylaw 1608/22 was held March 15, 2023. Four people spoke at the Public Hearing. Three spoke in favour while the fourth speaker did not have a position regarding the repeal the ASP.

	<u>Relevant Policy/Legislation/Practices</u> <ul style="list-style-type: none"> <li>Municipalities have limited jurisdiction in resource extraction beyond land use provisions. Most regulations are within the purview of the Government of Alberta.</li> <li><i>Municipal Government Act</i>, RSA 2000 c M-26 as amended (MGA)</li> <li>Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan Bylaw 922/01</li> </ul>
<b>Implication of Administrative Recommendation</b>	<u>Strategic Alignment</u> <ul style="list-style-type: none"> <li>As the Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan is no longer required, repeal supports a consistent and clear regulatory environment for residents and investors.</li> </ul> <u>Organizational</u> <ul style="list-style-type: none"> <li>This review required considerable staff time, and implementation items will continue to do so. Where additional resources are required, Administration will identify that need through the annual budget process or re-allocation if possible.</li> </ul> <u>Financial</u> <ul style="list-style-type: none"> <li>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.</li> </ul>
<b>Alternatives Considered</b>	Council could reject second reading of Bylaw 1608/22 and the development of a groundwater monitoring policy.
<b>Implications of Alternatives</b>	Rejection of the repeal would not capture the opportunity to reflect the several benefits of such noted within this report.
<b>Follow up Action</b>	<ol style="list-style-type: none"> <li>Obtain Mayor and CAO signatures on Bylaw 1608/22 (Legislative Services, April 2023).</li> <li>Bring forward Bylaw 1607/22 for consideration (Planning and Development Services, Spring 2023).</li> </ol>
<b>Attachment(s)</b>	<ol style="list-style-type: none"> <li>Attachment 1: Previous Council / Committee Direction</li> <li>Attachment 2: Bylaw 1608/22</li> <li>Attachment 3: Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan Bylaw 922/01 (weblink)</li> </ol>
<b>Report Reviewed by:</b>	<p>Bonnie McInnis, Manager, Planning &amp; Development Services</p> <p>Travis Peter, General Manager, Development &amp; 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
<b>Planned Growth</b>			
<ul style="list-style-type: none"> <li>Internationally competitive to attract, grow and sustain diverse businesses; tenacious focus on new growth and innovation</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Modern broadband and digital capabilities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Low cost, minimal red-tape regulations</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Reliable and effective infrastructure planning; comprehensive land use and infrastructure planning</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Thriving Communities</b>			
<ul style="list-style-type: none"> <li>Beautiful, surprising places with high standards; integrated natural spaces &amp; trail systems; healthy and resilient</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Engaging cultural, historical, and civic amenities; strong community identity and pride</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Safe, welcoming, and diverse communities; small community feel and personal connection; commitment to high quality of life</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Environmental Stewardship</b>			
<ul style="list-style-type: none"> <li>Clean air, land, and water; Carbon neutral municipal practices; circular economy opportunities</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Conservation of natural areas and agricultural lands; enhanced greening and biodiversity; safekeeping ecosystems</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Sustainable development; partnerships with industry and others to drive emission reductions</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Collaborative Governance</b>			
<ul style="list-style-type: none"> <li>Predictable and stable external relationships; volunteer partnerships</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Meaningful connections with Indigenous communities</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Ongoing community consultation and engagement; transparent and action-oriented decision making based on sound rationale</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Respectful and informed debate; clear and supportive governance processes</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Operational Excellence</b>			
<ul style="list-style-type: none"> <li>Engaged and effective people – Council, Admin and Volunteers; continuous learning and improvement mindset; nimble and bold, with strong leadership</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>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</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Future focused thinking to proactively respond to emerging opportunities and challenges</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>Alternative revenue generation and service delivery models integrated strategic and business planning</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>