

## Request for Decision

<b>Title</b>	<b>Bylaw 1637/23 – Amendment to Land Use Bylaw 1385/17 – Redistricting of SE-12-57-21-4 from AG – Agriculture District to RE – Resource Extraction District – Second and Third Readings</b>
<b>Proposed Motion</b>	<ol style="list-style-type: none"> <li>1. That Council give second reading of Bylaw 1637/23 as amended.</li> <li>2. That Council give third reading of Bylaw 1637/23.</li> </ol>
<b>Administrative Recommendation</b>	Administration recommends that Council give second and third readings of Bylaw 1637/23.
<b>Previous Council / Committee Direction</b>	<p><u>November 28, 2023 Regular Council Meeting</u> Motion 428/23: That Council give first reading to Bylaw 1637/23.</p> <p><u>July 4, 2023 Regular Council Meeting</u> Motion 254/23: That Council give third reading of Bylaw 1607/22, as amended.</p> <p><u>July 10, 2017 Regular Council Meeting</u> Motion 351/17: That Council give third reading to Bylaw 1385/17, Land Use Bylaw.</p>
<b>Report</b>	<p><u>Background Information</u></p> <ul style="list-style-type: none"> <li>• An application has been received to amend Land Use Bylaw 1385/17 to facilitate a natural resource extraction operation, specifically silica sand extraction on SE-12-57-21-W4.</li> <li>• The subject parcel is a full quarter section (64.7 hectare (160 acre)) and is currently zoned AG – Agriculture District. The applicant intends to redistrict the entire parcel to RE – Resource Extraction.</li> <li>• The proposed extraction areas include most of the parcel, aside from several pipeline rights-of-way that traverse the property.</li> <li>• Part 11.2.4(c)(ii) of the Land Use Bylaw outlines that the operating area of a silica sand operation shall not be located less than 800 metres from the outside wall of an existing dwelling or the district boundary of a multi-lot subdivision, hamlet, or area subject to an approved planning document than includes residential development.</li> </ul> <p><b>There are no permitted residences or multi-lot subdivision boundaries within 800 metres of the proposed extraction area.</b></p>

- The applicant's land reclamation plan outlines that the land will be returned to an equivalent or greater land capability than pre-disturbance conditions. This includes areas of natural upland that are capable of supporting agricultural uses, wetlands, and three end pit waterbodies.
- The applicant's proposed haul route utilizes exclusively Victoria Trail and Highway 38 to carry materials to the processing facility in Lamont County. Current use of the Victoria Bridge requires reduced loads. If extraction and hauling from this site occurs prior to or during the construction work on Victoria Bridge, an alternative route has been proposed by Administration. This would utilize Range Road 205 and Township Road 574 before reaching Highway 38 travelling south and east towards the processing facility (see Attachment 2). At this time, it is **forecasted** that bridge construction will be complete prior to extraction and hauling from this parcel.
- Road maintenance of the designated haul routes is solely the responsibility of the resource extraction operator through the entire haul period. This includes but is not limited to, snow control, dust suppression, surface repairs, and removal of debris.

#### Referral Comments

- The redistricting would allow the applicant to apply for a development permit that will be subject to the Code of Practice for Pits. The comments received for this application are noted below:
  - The applicant must enter into a Road Use Agreement prior to the use of Victoria Trail.
  - An emergency water well response plan should be provided if wells within 800 metres are affected by extraction operations.
  - The Redwater Provincial Recreation Area is located to the north and east of the subject parcel. Any Environmental concerns that may impact the Redwater Provincial Recreation Area will be mitigated via a reclamation plan.

#### Public Hearing

- A Public Hearing for Bylaw 1637/23 was held on January 30, 2024.
- The applicant attended the Public Hearing and presented information regarding the proposed bylaw amendment, which included dialogue on both current and future operations in the area.
- Six verbal submissions from the public were received during the Public Hearing. Five were opposed to the Bylaw and concerns included effects to existing water wells, decrease in property value, effects to wildlife, road deterioration, increased traffic, health impacts from the extraction of silica sand, and the approval of new pits prior to the reclamation of existing pits.
- A representative from the Town of Redwater requested further information from the County regarding traffic impacts to Highways 38 and 644 as well as potential effects on the Vinca Bridge that crosses the North Saskatchewan River. As the highways are within the jurisdiction of

the Province, Administration passed on the contact information for relevant staff at Transportation and Economic Corridors to the Town of Redwater representative.

- Five written submissions from the public were received, all of which were in opposition to the bylaw. Concerns included the loss of natural features in the area, deterioration of Victoria Bridge, health impacts from the extraction of silica sand, approval of new pits prior to the reclamation of existing pits, and the type of reclamation utilized. The Record of Public Hearing Submissions is provided in Attachment 3.
- There was a typographical error in the Bylaw when it was presented for first reading. The legal land description of SE-12-57-~~21~~-4 was noted as SE-12-57-~~24~~-4 in error. Administration identified this error prior to advertising the Public Hearing and therefore the public notification of the Bylaw included the correct legal land description. Administration recommends that Council give second reading of Bylaw 1637/23 as amended to reflect the correct legal land description, followed by third reading of the Bylaw.
- There are two confidential attachments that are withheld from public disclosure in accordance with section 27 (privileged information) of the *Freedom of Information and Protection of Privacy Act* as they contain legal advice, which is subject to solicitor-client privilege. If Council wishes to discuss the legal advice, Council should move to a closed session pursuant to section 197(2) of the *Municipal Government Act*.

#### External Communication

- Newspaper advertisements for the Public Hearing were placed in the *Morinville Free Press* and *Redwater Review* for two consecutive weeks on January 17 and January 24, 2024.
- In accordance with Public Notification Bylaw 1618/23, notice of the Public Hearing was circulated on social media and on the County's website. Additionally, one temporary road sign was placed within the road right-of-way outside the application site.
- In accordance with the Land Use Bylaw, landowners within 1.6 kilometres of the application site were notified via mailout. Administration also notified all landowners within 800 metres of the current and future haul route via mailout.

#### Relevant Policy/Legislation/Practices

- The *Municipal Government Act* (MGA) authorizes Council to establish and amend bylaws.
- Section 692 of the MGA requires that a municipality hold a public hearing prior to giving second reading of a proposed bylaw.
- Policy 5.3.6 of the Municipal Development Plan (MDP) notes that the County "*Shall encourage the extraction of Natural Resources prior to any development that may confine future extraction opportunities...*"

	<ul style="list-style-type: none"> <li>Policy 5.4.9 of the MDP notes that the County <i>“Should ensure that existing infrastructure and road corridors are able to accommodate the proposed growth identified by the Non-Residential development.”</i></li> <li>Neighbourhood D (Municipal Development Plan) <ul style="list-style-type: none"> <li><i>D.1(c) - Reducing the sterilization of Natural Resources by limiting development in areas with known aggregate deposits, in which the proposed use is conflicting in nature, or until extraction is complete.</i></li> <li><i>D.3(f) - Requiring aggregate resource extraction operations to comply with an approved reclamation plan. Development permits for aggregate resource extraction will reclaim sites to their former agricultural capability or other post-extractive use as the County deems appropriate.</i></li> </ul> </li> </ul>
<b>Implication of Administrative Recommendation</b>	<p><u>Strategic Alignment</u></p> <p><b>Planned Growth</b> – Supporting resource extraction demonstrates Sturgeon County’s commitment to this key industry and to economic development and jobs, without negatively affecting its current residents.</p> <p><b>Collaborative Governance</b> – The Land Use Bylaw amendment process is legislated by the <i>Municipal Government Act</i> (MGA). Those affected by the proposed bylaw are provided the opportunity to comment during the Public Hearing, ensuring communities are consulted and engaged. Decisions made by Council are transparent and based on policy after respectful and informed debate.</p> <p><b>Environmental Stewardship</b> – The applicant has outlined a land reclamation plan which will return the subject area to an acceptable agricultural capability following the completion of the natural resource extraction.</p> <p><u>Organizational</u></p> <p>Administration had the capacity to coordinate the bylaw amendment.</p> <p><u>Financial</u></p> <ul style="list-style-type: none"> <li>The current assessment of this agricultural quarter section results in the County receiving approximately \$800 annually in tax revenue. Based on the full build out of this resource extraction operation, the estimated tax revenue would be approximately \$22,350 annually - a difference of \$21,550 per year.</li> <li>Assessment of land as a resource extraction operation occurs for lands that have been disturbed and are no longer part of a farming operation. Once the land has been reclaimed and can be utilized for agricultural production (topsoil replaced), then it will be assessed as agricultural land.</li> <li>Additionally, once the land is being actively mined, the County will receive CAP levy contributions from this operation. Estimates of the volume to be mined are not available at this time.</li> <li>Financial implications also included the advertising of the Public Hearing.</li> </ul>

<b>Alternatives Considered</b>	Council could defeat the motion to give second reading of Bylaw 1637/23.
<b>Implications of Alternatives</b>	<p><u>Strategic Alignment</u> If Council defeats the motion to give second reading, the Bylaw would not proceed to further readings and the applicant would be unable to proceed with their proposed development.</p> <p><u>Organizational</u> None.</p> <p><u>Financial</u> Sturgeon County would not receive CAP levy contributions from this resource extraction operation.</p>
<b>Follow up Action</b>	<ol style="list-style-type: none"> <li>1. Obtain Mayor and CAO signatures on the Bylaw (Legislative Services, February 2024).</li> <li>2. Consolidate amendments to the Land Use Bylaw (Planning &amp; Development Services, February 2024).</li> </ol>
<b>Attachment(s)</b>	<ol style="list-style-type: none"> <li>1. Attachment 1: Bylaw 1637/23</li> <li>2. Attachment 2: Anticipated Haul Route Map</li> <li>3. Attachment 3: Record of Public Hearing Submissions</li> <li>4. CONFIDENTIAL Attachment 4: Legal Opinion</li> <li>5. CONFIDENTIAL Attachment 5: Legal Opinion</li> </ol>
<b>Report Reviewed by:</b>	<p>Martyn Bell, Program Lead, Current Planning</p> <p>Bonnie McInnis, Manager, Planning &amp; Development Services</p> <p>Travis Peter, General Manager, Development 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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"/>