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April 13, 2018

Rocky View County  
911 - 32 Ave NE  
Calgary, Alberta, T2E 6X6

**Attention: Dominic Kazmierczak, Planning Services**  
dkazmierczak@rockyview.ca

Dear Sir,

**Re: Revised Draft Aggregate Resource Plan (February 2018)**

The Alberta Sand and Gravel Association (ASGA) believes in a balanced approach to planning for sand and gravel extraction that:

- Promotes the protection and extraction of non – renewable, valuable sand and gravel resources;
- Supports the need for a high standard of industry practice;
- Minimizes the environmental and community impact of sand and gravel extraction; and,
- Supports local jobs and provides economic revenue to the County.

Based on our review of the revised ARP, the ASGA cannot support the plan as proposed for the following reasons:

- Unwarranted and unjustifiable residential and environmental setbacks;
- No relationship established between setbacks and ARP performance standards;
- Sterilization of non-renewable resources due to proposed setback requirements;
- Approval authority conferred by ARP to residents in order to vary proposed setbacks;
- Lack of notice provisions for non-aggregate development in aggregate deposit areas;
- Duration of development permit maximum period is deemed unreasonable;
- Exemption of county operated sites from ARP requirements;
- Scope of site production assessments and request for sensitive market information;
- Requirement for interim reclamation after one (1) year of inactivity; and
- Lack of grandfathering provisions for sites with current approvals.

This letter provides the comments of the Alberta Sand and Gravel Association (ASGA) as compiled from discussion with industry members that are actively engaged in business in Rocky View County (RVC). We have outlined our relevant general and specific views on the revised ARP within the enclosed letter.

## General Views

1. The proposed ARP document for the most part demonstrates a rational approach to land use and resource planning and consistently follows the policy directions developed by Rocky View County Council during the past decade, striving for a balanced planning policy that recognizes the value of non-renewable aggregate resources.
2. Recent views expressed by groups such as Rocky View Gravel Watch indicate a position has been taken against responsible and proactive aggregate planning and policy development that has evolved in RVC over the past decade. This position and corresponding public campaign has the potential to undo a decade of rational planning policy through the use of political pressure alone. It also appears that many residents that currently express opposition to the revised ARP may not have read or have chosen to ignore the planning rationale and technical information that has been provided by Administration throughout the ARP planning process. Uninformed opposition to the ARP can only lead to the de-politicization and centralization of surficial natural resource regulation to the Calgary Metropolitan Region Plan and Government of Alberta. The Provincial Land Use Policies (1996) clearly require and advocate for a coordinated planning approach whereby "municipalities are encouraged to direct subdivision and development activity so as to not constrain or conflict with non-renewable resource development." As an extension of the provincial land use policies, the current South Saskatchewan Regional Plan states that municipalities are encouraged to: "In collaboration with industry, provincial government and other stakeholders, identify areas of existing and future extraction of surface materials (e.g., sand and gravel) and energy resources, and determine appropriate land uses in the vicinity of these resources." Based on regulations associated with the Modernized Municipal Government Act it is anticipated that the Calgary Metropolitan Regional Plan will add additional weight to minimizing the cost associated with surface development sprawl while carefully preserving the use of non-renewable local and regional aggregate resources.
3. The aggregate resources of RVC have long been recognized by all responsible government regulators and aggregate user groups as critical for both the regional and provincial economy and environment. Recognizing the important role of these resources and the associated social and environmental responsibilities of industry, the ASGA is committed to working directly with RVC and responsible County-appointed community representatives on this initiative.
4. We support that the revised ARP continues to acknowledge the value of the "close-to-market" aggregate supply as a general principle. The ARP could go further to encourage the industry to extract "close-to-market" resources prior to surface development; particularly when proposed surface development does not explicitly conform with County and regional land use and development goals. To do otherwise, as recommended by some resident lobby groups, is a lose/lose proposition for the County and the taxpayers of Alberta who help to build our roads and schools. Organized resident opposition groups continue to argue for resource sterilization and for the use of "far to market", isolated aggregate supplies which promote longer hauling distances even though longer hauling distances mean additional road

maintenance for RVC and increased air emissions and community impacts from trucking over more communities. The price of aggregate can easily increase by \$0.15 per tonne for every additional mile of truck haul. For a typical school construction project that requires 30,000 tonnes of aggregate, an additional haul of 20 miles adds \$90,000 to taxpayer-funded school costs.

5. The industry cannot and will not support the ARP's use of abstract, unjustifiable and excessive prescribed setbacks (i.e. 500 m from existing dwellings, 500 m from Provincial Parks, 800 meters from undeveloped residential parcels etc...) that are unrelated to ARP's efforts and ground work to establish clear performance standards. Part II Policy 5(7), 5(8), and 5(9) as currently proposed are entirely inconsistent with the development and use of standardized application submission requirements and performance standards that have been so carefully laid out within the ARP. To this point, under Policy 5(7)(2) the current ARP wording, setback relaxations are only allowed if a proposed aggregate operation meets all conditions "a" through "d." The first condition is that all owners of dwellings within 500 m of a proposed operation must support the relaxation. It is unrealistic to expect full support of residents for any proposed gravel operation so in effect ARP policy as currently proposed confers authority for a setback relaxation to a single resident regardless if an operator can establish through appropriate levels of study, impact identification and mitigation adherence to the prescribed performance standards in Part III of the ARP. We would note that this policy appears to have been changed since the ARP open house displays were published. The open house displays more logically indicate that Policy 5(7)2 states the development **"meets one or more of the following criteria."**
6. We continue to support the use of performance standards that must be met when a gravel pit, similar to any other proposed intensive commercial, agricultural or industrial use, is proposed that would operate within close proximity to existing residential dwellings or other sensitive receptors such as areas of environmental significance. Proof of performance in accordance with the prescribed performance standards established by the ARP can be demonstrated by impact studies, mitigation techniques and monitoring controls and requirements and upon acceptance by County and other relevant government authorities should determine the required development setback associated with an aggregate operation.
7. We support the clear parameters and scope established related to planning application requirements for land use redesignation, development permit application and development permit renewal application requirements as established by the ARP. While supportive of the standardization of application submission requirements, we would note that outside of County operated pits, there is no discretion conveyed by the ARP to vary application submission requirements based on County consideration of aggregate deposit size and unique locational conditions/features. This lack of variance authority may make smaller, viable aggregate deposits within the County uneconomical by virtue of the County application and cyclical and repetitive permitting requirements. We would encourage amendments to ARP that provides for discretion on application submission requirements and development permit duration in accordance with site specific conditions and local context. The application of this discretion could help avoid the further sterilization of viable aggregate deposits in

areas where there are not competing demands between surficial development and aggregate extraction.

8. The pragmatic purpose of the ARP is to ensure that every gravel operation in RVC does not become a political battle ground at each public hearing of Council. Therefore the ASGA encourages RVC to remain committed to the DRAFT ARP and revised policies with selected changes to emphasize compliance with performance standards and recognize that it is not realistic to expect full and active support of residents for any gravel extraction proposal.
9. In light of the issues arising from review of the final draft ARP and the serious potential impact on a primary resource industry, the ASGA has identified a knowledge deficiency that will be addressed by seeking legal advice about the extent of municipal authority to curtail non-renewable resource activities in favour of other surface land uses. This research will be used by the ASGA to support our member firms throughout the province.

### **Comments Regarding Specific Revised Draft Policies**

In addition to the general comments provided above, we have reviewed the revised ARP in detail and offer the following policy-specific comments and requested amendments.

#### **Section 5 (7): Setbacks from Dwellings**

- There is no basis to the proposed setback of 500 m from existing dwellings and the relationship of this proposed setback to the performance standards articulated in Part III of the ARP. 500 m is more than required to protect nearby residents from the impact of a well-designed and operated aggregate operation. The ARP supporting information provides comparative setbacks from select jurisdictions and indicates that selection of a base setback is a judgement. The ASGA believes that setbacks from relatively remote rural jurisdictions have been over-weighted and are not comparative to the supply / demand forces prevalent in the Calgary Metropolitan Region. The industry maintains that all proposed gravel operations should be responsible for comprehensive impact identification, mitigation and monitoring and that conformity with the performance requirements set out in the ARP should be the realistic targets that determine setbacks from existing residential dwellings and other sensitive receptors.
- We would request that the ARP be amended to recognize that full support from the local community is not always realistically achievable or required for an aggregate project. This would require that Policy 5(7) is amended to stipulate that the setback of a proposed aggregate operation from an existing residence shall be determined by the completion and acceptance of the requisite studies and in compliance with the performance standards as outlined in Part III of the ARP.

### **Section 5(8): Environmental Setbacks**

- There is insufficient rationale for the proposed 500 m setback from a Provincial Park as outlined in 5(8)(b) and how this relates to the performance standards contemplated in Part III of the ARP. This setback provision should be deleted. Current air quality, noise and wildlife protection requirements of senior governments protect relevant park resources and will be assessed by the same as part of the review and approval process accompanying Government of Alberta COP application submissions and referral of municipal MSDP, land use redesignation and development permit applications. This review process and consideration of the performance standards established in Part III of the ARP should determine the appropriate setback from identified Provincial Parks.
- With regard to Map 1, we would note that the map seems to identify whole quarter sections of land as environmentally significant areas where in fact, it may only be a portion of the quarter section in question that contains a potential area of environmental significance. This broad approach to declaring areas of environmental significance should be refined by the County prior to ARP approval so as to not place an undue burden to complete unnecessary environmental assessments.
- Map 1 which preliminarily identifies Environmentally Sensitive Areas and Riparian Areas should not be a constraint that impacts only proposed aggregate developments. This map and similar restrictions should be adopted into a higher level plan such as the County Plan and then referenced in other plans related to all types of land or resource development within the County. We support a consistent and equitable approach to land use planning in the County that manages the potential impact of all surficial development on potential areas of environmental significance.

### **Section 5(9): Aggregate Sites Within Adjoining Area Structure Plans / Conceptual Schemes**

- We find the intent, meaning and application of Section 5 (9) to be unclear. We note that there have also been unproductive changes to the wording of this policy since the public open house materials were released for review.
- We do not understand the need for the awkward wording in 5(9) (a). There is indication from the open house panels that the meaning is “if an aggregate development is within 100 m of a quarter section meeting that density threshold, the policy states that the development shall not be supported.” However the actual wording of the policy seems to imply that any aggregate operation must be setback at least a full quarter section or 800 m from any quarter with 20 or more parcels.
- Why is it necessary to say in 5(9) (b) that developments not meeting the setback requirements of 5(7) and 5(8) will not be allowed? Does this imply there are other cases within the County where development not meeting 5(7) and 5(8) will be allowed?
- The ARP and supporting open house explanatory material is correct in stating that there are many areas within Area Structure Plans (ASP) that will not experience

surface development under current and anticipated planning policies and where aggregate extraction could and should occur.

- We suggest deletion of this confusing and unnecessary policy. Areas within ASPs and Conceptual Schemes should be based on the same setbacks and performance standards under Policy 5(7) and 5(8) as existing dwellings in other areas. This would provide an ARP setback policy that is simpler and fair to all landowners. We request that Policy 5(9) of the ARP is deleted and that Section 5(7) and Section 5(8) are amended as per our earlier comments.

#### **Section 6(4): Non-Aggregate Development within the Potential Aggregate Area**

- The industry has traditionally operated in a manner that does not interfere with landowner property rights. The industry has no desire to impact property rights, particularly where such would inflame the views of community residents against the industry.
- There is broad discretion afforded by the County to approve non-aggregate development in potential aggregate deposit areas under the ARP Section 6.4(a-e) and particularly through the normal ASP, Master Site Development Plans (MSDP) or Conceptual Scheme processes. Notwithstanding industry support for this section, residents should be aware that surface development in RVC is no longer allowed to proliferate over the landscape, notwithstanding some outdated ASP's that are in the process of being updated to conform to policies of the modernized Municipal Government Act, the County Plan and forthcoming Calgary Metropolitan Region Plan. The allowed land uses in RVC will typically continue to be agricultural firstly and secondly should be considered temporary aggregate extraction and processing within the Potential Aggregate Deposit Area. Where a limited number of fully-serviced residential communities are approved in the future through the appropriate MSDP and other planning processes, as allowed under the ARP, the market will ensure that these landowners will want to extract gravel prior to surface development.
- Policies should not be allowed to leave a property in "limbo" where it cannot obtain gravel extraction approval (due to community opposition and current setback provisions as proposed) nor surface rights approvals (due to sterilization of gravel) over the course of a decade.
- We request that an additional policy be added to Section 6(4) to note that where non aggregate development is approved by the County within the potential aggregate deposit area that the County shall inform the applicant of the potential for aggregate development in said area. This could form part of the County's standard notice of approval for associated redesignation, subdivision and development permit approvals issued within the potential aggregate deposit area and effectively form part of the land record held on file by the County.
- We would also encourage the County to consider a provision in either Part II or Part IV of the ARP which contemplates the use and development of area structure plans throughout the County and as a lower tiered planning instrument that could advance the directions of the ARP and assist in managing and coordinating aggregate and non-aggregate development activities.

### **Section 6(5): First-Parcel Out Development**

- Residential first-parcel out subdivisions within the potential aggregate deposit area will continue to be allowed under the policies of the revised draft ARP. We would encourage that the County carefully consider first parcel out subdivision applications that are adjacent to or are on nearby land in proximity to existing / pending gravel operations. Therefore, ensure that any first-parcel out subdivisions under these circumstances do not in effect become the veto power that would prevent or inhibit current or future aggregate operations.
- We request that an additional policy be added to Section 6(5) to note that where a non-aggregate subdivision is approved by the County within the potential aggregate deposit area that the County shall inform the applicant of the potential for aggregate development in said area. This could form part of the County's standard notice of subdivision approval within the potential aggregate deposit area and effectively form part of the land record held on file by the County.

### **Section 6(6): Information Caveat**

- The industry maintains that through coordinated land use planning, technical study, impact identification and mitigation and adherence to performance standards that surficial development and aggregate extraction and processing operations can co-exist based on the setback provisions guided and directed by said level of investigation.
- As such, we remain supportive of Section 6(6) of the ARP which affords the opportunity for a wide range of subdivision and development applications in proximity to sites holding an appropriate land use redesignation for aggregate extraction / or processing development. As this policy at present is triggered by an unwarranted proposed setback (i.e. 500 m), we would suggest that the policy is amended to note that the requirement for an advisory information caveat shall be determined by the subdivision authority in consideration of the applications proximity to a permitted aggregate site and in consideration of the subdivision application referral comments received.

### **Section 9(4): Noise Impact Assessment**

- The industry remains committed to operational planning and the use of soft and hard mitigation measures that mitigate noise impacts on adjacent lands and sensitive receptors. At the same time, it remains important that noise performance standards are context sensitive, reasonable and can be achieved through a combination of appropriate mitigation measures associated with aggregate operations.
- With respect to Section 9(4) (2) (a) (i) (ii), the ASGA believes that the noise threshold should be adjusted from the proposed 55db LAeq (1 hour, free field) to 65db LAeq (1 hour, free field). This adjustment would recognize that in many areas where aggregate operations exist or may exist in future they are in proximity to highways

and other noise sources where current ambient levels meet or exceed the current 55db noise threshold as proposed.

- In regards to Section 9(4) (2) (b) (iii) (iv), the ASGA believes that the noise threshold should be adjusted from the proposed 45db LAeq (1 hour, free field) to 55db LAeq (1 hour, free field). The rationale for this adjustment remains that in many areas where aggregate operations exist or may exist in future they are in proximity to highways and other noise sources where current ambient levels at night meet or exceed the 45db noise threshold as proposed.
- In regards to Section 9(4) (2) (c), the ASGA believes that the lowest sound level limit for daytime should be adjusted from the proposed 45db LAeq (1 hour, free field) to 55db LAeq (1 hour, free field) and for nighttime should be adjusted from the proposed 40db LAeq (1 hour, free field) to 50db LAeq (1 hour, free field) before respective adjustments. Ambient sound levels below 40db LAeq (1 hour, free field) should be noted, but increased to 40db LAeq (1 hour, free field). The rationale for this adjustment is that if operators are encouraged to operate in more isolated locations as an ideal location with respect to sensitive receptor setbacks, they may not be able to locate adjacent to a highway and the low background noise levels should not act as a deterrent to development.
- The ASGA understands that intent of Section 9(4)(3) as to allow for operator flexibility to increase daytime sound levels to support temporary operations related to essential site preparation and restoration works that will benefit site operations and / or the local environment. The ASGA is supportive of the direction of this policy but have assessed the viability of the performance standards proposed relative to noise thresholds and maximum period of temporary operations days. Based on industry experience and the limited range of mitigation measures that can be applied to equipment and operational practices associated with the daytime operational activities outlined in Section 9(4)5, the ASGA believes that Section 9(4)3 maximum daytime sound levels should be adjusted to a performance standard of 85 b LAeq (1 hour, free field). This adjustment would recognize the higher ambient sound levels that exist in proximity to existing and future aggregate operations and also respect the limited soft and hard mitigation measures that can be applied to equipment and operational practices associated with the temporary operations as noted.
- In addition to the requested adjustments to the noise threshold in Section 9(4) (3), the ASGA has reviewed the proposed 40 day threshold for temporary daytime operations. Given that the intent of the temporary day time operations is to enhance site operations and local environmental conditions, the ASGA requests this is amended to sixty (60) days. An extended duration in this regards is consistent with our assessment of aggregate operational practices and the time necessary throughout an average calendar year to complete said works.
- The ASGA recognizes the critical importance of performance standards within the ARP as a cornerstone approach to avoid sterilization of aggregate reserves while also encouraging investment and operational practices that mitigate impacts. In this regards, the ASGA believes that performance standards must be achievable through

operational practices, investment and the use of viable hard and soft mitigation measures. In this regards and due to the complex nature of Section 9(4) and Appendix D, the ASGA is undertaking further peer professional review of this Section which may ultimately result in additional comments for RVC consideration prior to ARP approval.

### **Section 10(1): Development Permit Maximum Period**

- Given the progress that has been made to standardize the application submission process, and to outline the scope of said requirements, it is estimated that each comprehensive application developed and submitted to RVC may take approximately 6 – 12 months to prepare and subject to a 6 month review and approval process. Based on these assumptions, it is anticipated that an aggregate operator would have to commence the preparation of development permit renewal application submissions every three (3) years to account for application preparation, review and approval processes. This cyclical application process, along with the proposed maximum duration of development permits (five years) creates a large degree of uncertainty and unpredictability to support long term business plans associated with aggregate operations.
- Given the business uncertainty created by short term, cyclical and repetitive permit processes and overlap with Government of Alberta Code of Practice submissions, , it would be reasonable to provide discretion to the approving authority to support a maximum Development Permit period of ten (10) years. This discretionary authority would allow the approving authority to consider the specific nature of the application, the size of aggregate deposit, proposed extraction duration and relevant locational considerations in order to render an appropriate development permit period. This approach provides a balanced perspective that will not further sterilize smaller aggregate deposits and will ensure that operator efforts are focused on other provisions of the plan that require annual monitoring and reporting, community engagement and communications rather than preparing for additional administrative review processes when no changes are proposed.

### **Section 10(7) & 10(8): County Operated Sites**

- Subject to ARP approval, it is our understanding that the County intends to undertake amendments to the County Plan and land use bylaw to support ARP implementation. At present Section 10(7) of the ARP proposes to exempt aggregate extraction and / or processing developments operated by the County or Alberta Transportation where aggregate is to be used within the County for County purposes. That the County does not wish to be constrained by its own ARP is a powerful statement suggesting that RVC thinks full application of the ARP policy directions and requirements may not be practical.
- We request that Section 10(7) is amended to note that County pits are not exempt from the requirements of the ARP Notwithstanding, the ASGA remains supportive of policy amendments to Section 10(7) which provide discretion to the County to exercise discretion on application requirements and the development permit period for proposed County pits in consideration of the specific nature of the application, the size of aggregate deposit, proposed extraction duration and relevant locational considerations. The development and application of this policy in a balanced manner

that applies to proposed private and County aggregate operations would help ensure that smaller aggregate deposits are not sterilized due to Count application requirements, and short term, cyclical and repetitive permitting processes.

- We would also encourage the County to amend Section 10(7) noting that while outside of municipal jurisdiction, pits opened and operated by the Government of Alberta in Rocky View County are strongly encouraged to meet the operational requirements and performance standards outlined within the ARP.

### **Section 9(17): Site Production Assessment**

- The industry appreciates that amendments have been made to this section to reduce the amount of confidential marketing and customer information being required by the municipality. We suggest that the detailed production volume information is not necessary for public regulation purposes. When this information is combined it provides the municipality with competitive information that could be used in a manner that is prohibited under the MGA planning legislation to incorporate economic considerations into land use decisions. We request that Section 9(17) be amended to require information about the area of the site and total aggregate volume proposed for extraction rather than detailed and specific information relating to forecast annual production rates and the volume of aggregate shipped.

### **Section 9(18): Interim Reclamation**

- We suggest that reclamation is already covered by Code of Practice Registration and that enforcement of interim reclamation by the municipality should be required only when there is evidence of a specific impact, issue or community concerns. If RVC needs to be able to add on to existing COP reclamation requirements then we suggest that one year of inactivity is excessive for most operations. Five years of inactivity would be more appropriate.

### **Section 10(5): Third Party Reviews**

- We appreciate the level of technical report standardization that RVC has strived for as part of the ARP. While generally supportive of third party reviews to ensure technical reporting has met the established standard we request that a clause is added to this provision noting that third party review should be limited to assessing the report against the County established standards and the relevant conclusions. This will limit the amount of unproductive professional debate over form, non-substantive details, and procedures.
- Furthermore, and in recognition that the assessment and evaluation of submitted baseline studies and reports against the proposed ARP performance standards often relates to established Provincial and Federal standards and regulations, we would request consideration that where appropriate, the County shall engage appropriate Government departments and authorities as part of the application review process. The ASGA supports a third party review process which recognizes jurisdictional

authority and aligns municipal and provincial reviews of submitted baseline studies against the proposed ARP performance standards and provincial requirements.

### **Section C3.1-9: Development Permit Renewal Requirements**

- Existing gravel pits holding appropriate land use redesignation and valid development permits should not be subject to new setback rules when they come in for renewal of development permit. We suggest adding a clause to C3.1(9) as follows to make this clear: "Note that existing gravel operations with an approved MSDP and/or Land Use designation for gravel operations will not be subject to the setback requirements of this ARP but will be governed by the setback requirements contained in the approved MSDP and/or land use district." We also encourage that this grandfathering provision is carried forward in any corresponding amendments to the County Plan and land use bylaw anticipated to follow ARP approval.

### **Closing**

The ASGA recognizes the significant amount of technical work and analysis that is provided in the revised draft ARP document. The industry will not support the ARP as written. A critical change to the ARP would be required to ensure that the detailed performance standards contained in the ARP have meaning and a realistic chance of being met. That change would acknowledge that it is unreasonable to expect full support of nearby residents for a gravel operation in RVC and in turn the completion and acceptance of baseline studies, impact identification and mitigation measures and relation to the ARP's performance standards should remain the definitive approach to determining development setbacks from existing residents and other sensitive receptors.

As drafted, the ARP policy will place significant barriers to gravel development through time consuming and expensive levels of study, oversight and monitoring and will increase the cost of all construction for residents, businesses and taxpayers. However, if a number of the amendments suggested above are implemented, we do believe that RVC could have an excellent ARP that could serve as a model for other jurisdictions that grapple with a high demand for close-to-market aggregate in areas that are already largely built-up with competitive residential and other land uses.

Sincerely,

**Alberta Sand and Gravel Association,**

A handwritten signature in blue ink, appearing to read "John Ashton". The signature is fluid and cursive, with a large initial "J" and "A".

**John Ashton, Executive Director**

cc: ASGA Board of Directors  
ASGA Rocky View County Aggregate Resources Plan Committee