

**MINUTES**  
**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**  
**SPECIAL COUNCIL MEETING**  
**APRIL 19, 2023**

9683

The Special Meeting of Council of the Municipal District of Pincher Creek No. 9 was held on Tuesday April 19, 2023 in the MD of Pincher Creek Council Chambers.

Notice of this Special Council Meeting was posted on the MD website and social media.

**PRESENT** MD of Pincher Creek: Reeve Rick Lemire, Deputy Reeve Tony Bruder, Councillors Dave Cox, Harold Hollingshead and John MacGarva.

**STAFF** CAO Roland Milligan, Development Officer Laura McKinnon, and Executive Assistant Jessica McClelland.

**ALSO** Planner Gavin Scott

Reeve Rick Lemire called the meeting to order at 6:00 pm.

**A. ADOPTION OF AGENDA**

Councillor Harold Hollingshead 23/152

Moved that the Special Council Meeting Agenda for April 19, 2023 be approved as presented.

Carried

**B. DEVELOPMENT PERMIT NO. 2023-02 Alberta Rocks Ltd.**

Planner Gavin Scott reviewed the history of the permit, and reminded attendees that this meeting is not regarding the land use, but only for the conditions for the development permit.

Development Officer Laura McKinnon reviewed the proposed conditions and highlighted specifically the changes since the last meeting:

- 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).
- 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).
- 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.
- 8. Potential soil erosion risk shall be minimized by seeding the stockpiled soils and reclaimed pit with a certified weed-free grass mixture to enable rapid growth of vegetative cover, which must be approved by the Agricultural Fieldman.
- 15. Developer must comply with the M.D. of Pincher Creek No. 9 - Weed Free Gravel/Aggregate Policy- C-AES-003
- 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.

Previous written submissions were attached to the Special meeting package from the following residents:

- Rowena Cromwell
- Duncan & Sandra Gano

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- Ruth and Leo Reedyk
- Kevin and Sandy Watson

Development Officer Laura McKinnon then read for the minutes, two late responses from residents.

Richard Erickson:

“I would like at this time to reiterate our concern with this application. I believe we high jacked by three novice council members who think a gravel pit in a residential subdivision is ok! Some of my neighbours have to look at this and the rest of us have to hear it! The truck traffic will be unbelievable and dangerous on the 507 where we walk and bike! A study needs to be done on the affects of this project on the people and environment.”

Ruth Skene Reedyk:

“I am writing to express my concern that the proposed development conditions do nothing to minimize the impact that the access route of this extraction operation will have on our day to day lives. Who is protecting our rights as residents to have quiet enjoyment of our land? We purchased our property, understanding that the adjoining property would remain agricultural.

We have owned our property for 24 years and have lived full time here since 2009. We have had quiet enjoyment of our land and our pets have also enjoyed the freedom to run around without restriction. This will no longer be possible and we will have to fence the perimeter of our property. This endeavour will be very costly to us and as retirees we are on a fixed income. What recourse do we have to recover any costs we incur to minimize the impact this operation will have on our daily lives?

There is also the matter of the visual and noise caused by the trucks as they turn right in front of our house. We have 9 windows on the front of our house, each one of them looking directly at the corner where the trucks will exit the gravel pit property to the access road to Hwy 507. We will look at options to minimize this view, such as a snow fence and trees. Again, more financial hardship for use to build something that has not been required for the past 24 years. What help or assistance is the MD or proponent willing to provide to help us secure the fence line and visual barriers? We do not know the total costs at this time but estimate that it could be over \$20,000. Money we do not have!!

We will not be able to attend the public hearing scheduled for tonight and would request that you bring these concerns forward at the meeting tonight. So sorry for the short notice.”

Reeve Rick Lemire then asked if anyone from the gallery wanted to make a presentation.

Developer Craig Anderson:

- Has been working with the MD to ensure conditions work for Alberta Rocks and neighboring residents

Terry Yagos:

- Resident of Lee Lake.
- Historically there was a gravel pit in the area (Rinaldi pit) for over 30 years.
- There wasn't issue with that pit for residents regarding noise and dust.
- Gravel is needed in the area so it can be accessed locally instead of trucking it in from far away.
- Alberta Rocks doesn't have a large fleet of vehicles so truck noise won't be an issue.

Brenda Davison:

- Resident of Rainbow Acres.
- Concerns regarding a gravel pit within a residential area.
- The Burmis/Lundbreck Area Structure Plan (ASP) was written with a vision and goal for country residential subdivisions.
- There are over 100 homes in the area that people have paid money and taxes for, believing no industrial permit would be granted.
- Encouraged Council to refer to section f) of the ASP
  - To encourage residential development that is secluded from other development,

- Whenever possible, and that general residential privacy considerations are given full attention when any development or subdivision is being considered.
- As well as section g)
  - To encourage that the effects of noise, dust, smoke, glare and other hazardous impacts are minimised, and to provide that:
    - (i) such effects are given full attention when a development or subdivision is considered, and
    - (ii) such effects do not erode the quiet enjoyment of a residential environment.
- Environmental concerns:
  - South less than a kilometer is Lee Lake with recreational homes.
  - East is a wildlife corridor.
  - North are residents that built in good faith and that the ASP would be honored.
- The development flies in the face of the multiple people that put time, and effort into preparing the ASP.
- Residents have mistrust that there won't be a "one off" industrial development.
- MD planning department and Council have a moral duty to uphold the spirit of the ASP.

Councillor Tony Bruder:

- Does the ASP restrict this type of development?

Planner Gavin Scott:

- The ASP does not preclude industrial development, section 4.7c states that "Applications in support of establishing a new or expanded sand/gravel operation in the Plan Area shall first apply to designate the land to the Direct Control district of the Land Use Bylaw."

Brenda Davison:

- Has gravel under her house, developer shouldn't be able to come back and remove the gravel now that houses are developed.

Sandra Baker:

- Why was condition #23 changed from "shall" to "may"?
  - "Failure to comply with any of the listed conditions **may** nullify the Development Permit"

Planner Gavin Scott:

- This doesn't need to be a condition, it's more to give the developer notice that the MD will be watching they are following the conditions of the permit.
- Commented that a stop work order is a lengthy process.

Richard McCowan:

- Resident of Villa Vega Estates, but spoke to residents around Lee Lake.
- Nothing is protecting residents around the lake.
- Spoke to residents around the lake and they weren't even aware of the proposal.
- One resident has lived there for a very long time and said that the past gravel pit did cause noise concerns and was going to be significantly bothered.
- Council may have done all the things they needed to, on paper, but the 50 recreational properties were not aware.
- Should have put up posters at Lee Lake to notify the residents.

Susan McCowan:

- Who will be watching the gravel pit?
- The MD is getting no benefit in this development.
- Craig doesn't have the greatest history in abiding by rules.
- Councillor MacGarva has ignored the residents and gone on with his own agenda.

Councillor John MacGarva:

- Those comments area unfair, there is a process with development and Council has to follow it.
- There are also residents who are for this gravel pit.
- Voted for the gravel pit, and stands by his choice.

Terry Yagos:

- The Burmis/Lundbreck corridor wasn't built for just residential development.
- Lee Lake doesn't have residents, they are lease holders.

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Greg Townsend:

- The development application contradicts itself, it looks like it is within 100 meters of swamp, gully, ravine, coulee, natural drainage course or floodplain.
- None of the pictures are to scale.

Councillor Tony Bruder:

- Do you have information otherwise not shown to prove a discrepancy?

Greg Townsend:

- No.

Councillor Tony Bruder:

- Questioned if the developer was willing to work with someone to reduce noise concerns as well as will visual concerns?

Developer Craig Anderson:

- Yes, we have been talking to a few residents to work with them about their concerns (snow fence, putting asphalt at the corner to reduce dust).

Councillor Tony Bruder:

- Wanted to clarify a few discrepancies in the letters of opposition:
  - Ruth Reedyk letter – up until now has let her animals run free off her property? No one should be doing that. Animals should stay on your own property.
  - Wildlife is far more effected by permanent houses and people.
  - One letter stated there would be 47,000 truck loads of gravel being taken from the pit? This was put to rest at the land use bylaw change public hearing.

Councillor John MacGarva:

- Can developer use the east/west road allowance the way it is? Less dust and disturbance.
- Regarding Richard Erickson's letter – Council has been working hard to make this work for both parties. This will be less invasive than the previous pit with the new conditions.

Richard Erickson:

- Concerns over the access on the highway being dangerous.

Planner Gavin Scott:

- As part of the development process, the application is circulated through Alberta Transportation, and they had no concerns.

Councillor Harold Hollingshead:

- Will condition #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" be of concern to the developer.

Developer Craig Anderson:

- Alberta Rocks has no issue with the hours of operation.

Reeve Rick Lemire:

- Other than Alberta Rocks trucks, will there be other trucks working in the area?

Developer Craig Anderson:

- Potentially if needed.

Reeve Rick Lemire:

- Is there anything in the conditions limiting the number of vehicles?

Planner Gavin Scott:

- No.

Reeve Rick Lemire:

- If it is a Thursday of a long weekend and residents ask for Alberta Rocks to shut down early, are they willing to do that?

Developer Craig Anderson:

- Yes, we want to work with the residents in the area.
- Plans are to haul mostly in the winter.

Councillor Tony Bruder:

- In Councillor John MacGarvas defence, the statement that he isn't representing his constituents is very unfair.
- The people in this room are against the development, many people are for it.

Susan McCowan:

- Apologies to Councillor John MacGarva.

Reeve Rick Lemire thanked the public for their honesty and open dialogue, and that Council will be having further discussion on this proposal.

C. ADJOURNMENT

Councillor John MacGarva

23/153

Moved that Council adjourn the meeting, the time being 7:30 pm.

Carried

  
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REEVE

  
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CHIEF ADMINISTRATIVE OFFICER