

PUBLIC HEARING
Municipal District of Pincher Creek No. 9
Bylaw No. 1342-22
Tuesday, October 25, 2022
6:00 pm

1. Call Public Hearing to Order
2. Advertising requirement

This Public Hearing has been advertised in accordance with Section 606 of the Municipal Government Act. This Public Hearing was advertised in the Shootin the Breeze and Pincher Creek Echo on October 12 and October 19, 2022, as well as the MD website and MD Social Media pages.

3. Purpose of the hearing

The purpose of Bylaw No. 1342-22 being the bylaw to amend Bylaw 1289-18 (being the Land Use Bylaw) to change the land use designation of lands legally described A portion of Lot 14, Plan 971 0740 within SE 18-7-2 W5M from “Agriculture - A” to “Direct Control - DC” with the purpose of the proposed amendment is to allow for the development of a 12.1 acre (4.9ha) gravel pit.

Planner Gavin Scott will provide an overview of the bylaw.

4. Presentations:

VERBAL:

- Developer Craig Anderson

The following people have requested to speak at this hearing:

- Randy Baker
- Claudette Landry

WRITTEN:

The following were received and are part of the public package of information.

- | | |
|---|----------------------------------|
| • Craig Anderson | • Richard & Susan McCowan |
| • Vince Anderson | • Ryan & Kayla Menzies |
| • Sandra & Randall Baker | • Lucas Michalsky |
| • John Cervo | • Glen & Lois Mumey |
| • Liam Connelly-Engel | • Brandon Naumczyk |
| • Rowena Cromwell | • Jana Naumczyk |
| • Richard & Lorna Erickson | • Bill Ogertschnig |
| • Duncan & Sandra Gano | • Leo Reedyk & Ruth Skene-Reedyk |
| • Margaret, Joshua & Benjamin Haag | • Randy Rinaldi |
| • Theresa Hann (Three Rivers Rentals Ltd) | • Thomas Penner |
| • Will Hebenik (Quality Excavating) | • Sage Management |
| • JRT Contracting | • Southwest Concrete |
| • Jura Creek Enterprises Ltd | • TIG Contracting |
| • KT Contracting | • Greg & Lori Townsend |
| • Claudette Landry & Randy Axani | • Two Feathers Contracting |

- Vicary Resources
- Kevin & Sandy Watson

- Lucas Weatherbee
- General Letter

5. Closing Comments
6. Adjournment from Public Hearing

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1342-22**

Being a bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to amend Bylaw No. 1289-18, being the Land Use Bylaw.

WHEREAS Section 639 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, provides that a municipality must pass a Land Use Bylaw; and

WHEREAS The Municipal District of Pincher Creek No. 9 has decided to amend the land use designation of lands legally described as:

A portion of Lot 14, Plan 971 0740 within SE 18-7-2 W5M

And as shown on Schedule ‘A’ attached hereto, from “Agriculture - A” to “Direct Control - DC”; and

WHEREAS The purpose of the proposed amendment is to allow for the development of a 12.1 acre (4.9ha) gravel pit;

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipal District of Pincher Creek No. 9, in the Province of Alberta, duly assembled does hereby enact the following:

1. This bylaw shall be cited as “Land Use Bylaw Amendment No. 1342-22”.
2. Amendments to Land Use Bylaw No. 1289-18 as per “Schedule A” attached.
3. This bylaw shall come into force and effect upon third and final passing thereof.

READ a first time this 13 day of September, 2022.

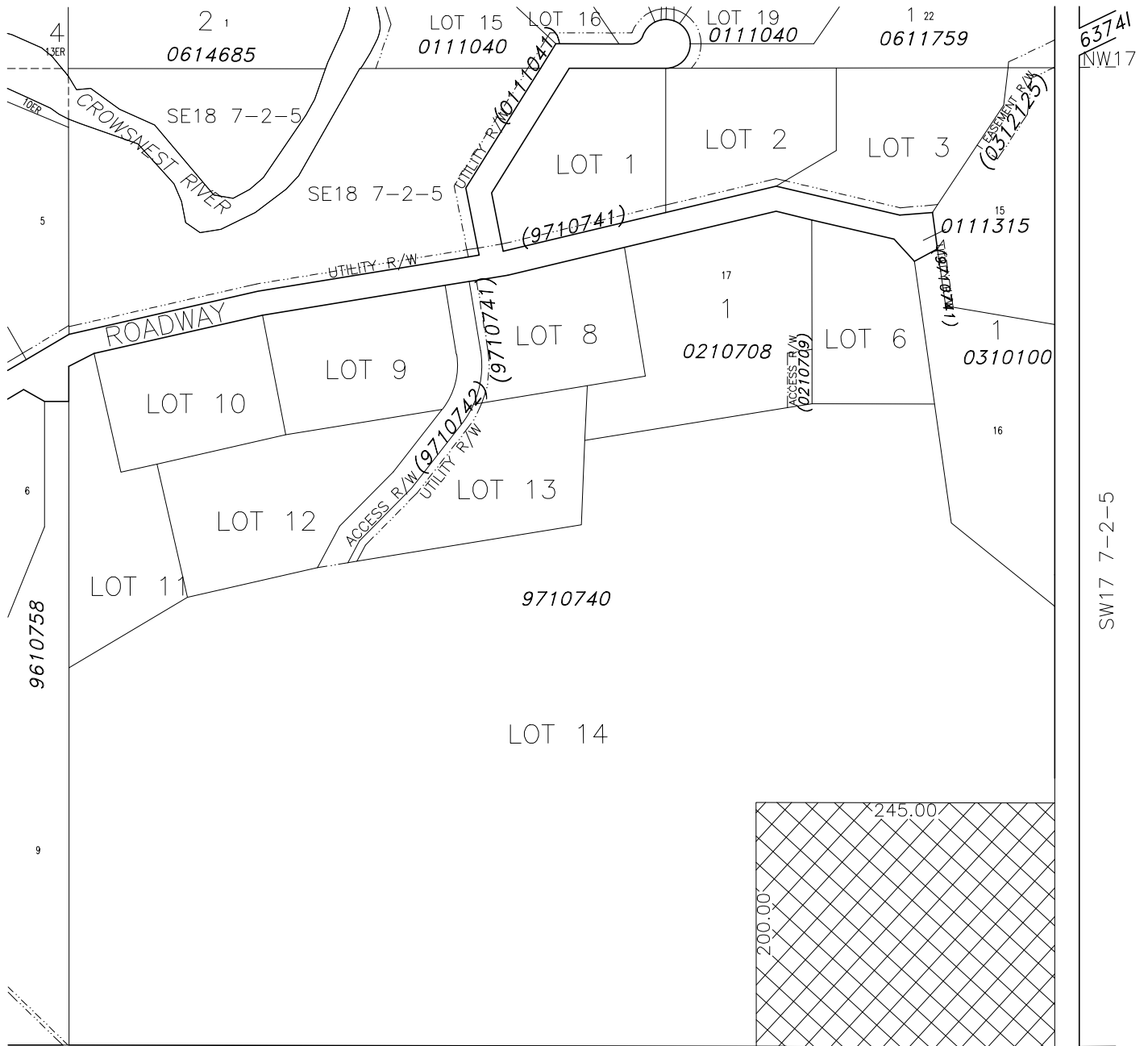
A PUBLIC HEARING was held this ___ day of _____, 2022.

READ a second time this ___ day of _____, 2022.

READ a third time and finally PASSED this ___ day of _____, 2022.

Reeve
Rick Lemire

Chief Administrative Officer
Roland Milligan



NW7

NE7 7-2-5

NW8

LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: Agriculture 'A'
TO: Direct Control 'DC'

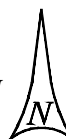
PORTION OF LOT 14; PLAN 9710740
WITHIN SE 1/4 SEC 18, TWP 7, RGE 2, W 5 M
MUNICIPALITY: M.D. PINCHER CREEK NO. 9
DATE: AUGUST 26, 2022

Bylaw #: 1342-22

Date: _____



OLDMAN RIVER REGIONAL SERVICES COMMISSION



MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344

"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

Proposed Amendment to Land Use By-Law 1315-19, MD of Pincher Creek No. 9

The following information is offered in support of an application to amend the MD of Pincher Creek Land Use By-Law moving the proposed 4.9 ha parcel from Agricultural to Direct Control.

We are asking for this amendment so we can apply to extract a natural resource (gravel) from the 4.9 ha site in the SE corner of Lot 14, Plan 971 0740, SE 18 7-2-5.

This information is offered to address objections raised at a public hearing held January 28, 2020 regarding a previous application.

We are proposing the following operational parameters:

- This will strictly be a gravel extraction operation; there will be no crushing or further processing on site. Gravel will be excavated and hauled to an existing Alberta Rocks operation to be further processed.
- There will be no retail sales from this site.
- There will be no buildings or bulk fuel storage tanks on site.
- We are proposing 8:00am to 4:00pm operating hours on week days only, no activity on weekends or holidays. The proposed access to the site will be on the east-west government road allowance adjacent to the extraction site. There is also an undeveloped road allowance straight south of proposed site.
- Any additional conditions required for road maintenance and dust control will be at the direction of the MD of Pincher Creek.
- As indicated in another attached document, (Appendix B), the site will be contoured and restored in accordance with Municipal and Provincial requirements. A good example of how a gravel pit can be properly restored is the old Rinaldi pit just west of this proposed operation.

Information also attached gives data on the environmental and infrastructure impact of hauling gravel into the area from long distances as well as letters of support for the need for locally sourced material.

We have also provided drone imagery of proposed site and surrounding area to bring a visual perspective to proposal.

Re: Application for Amendment to the Land Use Bylaw

Objective: to change the land use of 4.9 ha, being the southeast corner of Lot 14, Plan 971 0740, SE 18 7-2-5 , from Country Residential to Natural Resource Extraction (gravel).

Benefits:

“A Municipal Guide to Sand and Gravel Operations in Alberta”, 2007, makes the following statement: “The extraction of aggregate (sand and gravel) resources is vital to the growth of Alberta. Readily available supplies of aggregate are essential for development of the roads, buildings and infrastructure on which our society and our economy are built.” The proposed extraction area is 200M X 245M X 3.5M deep with a potential volume of 214,375 LCM of aggregate. Articles 1 & 2 (attached) emphasize the need to recover deposits of this important material. Villa Vega, and any other modern community, would not exist without the extensive use of gravel and rock for road building and concrete for basements, sidewalks and retaining walls.

Location:

This small proposed gravel pit is located at the property’s SE corner on a wide level bench that drops steeply away at its north margin, down a wooded hillside for approximately 500 meters to the main Villa Vega access road. The distance from the crest of the hillside to the pit perimeter varies generally from approximately 650 to 300 meters, with one site jutting in closer to the proposed pit. Elevation change for the upper wooded north-facing slope goes from 1243 M at the crest to 1210 M at the access road below, a drop of 33 meters over approximately 350 M distance. Of the approximately 21 lots in the subdivision, the proposed pit would be visible to only 2 of them. The balance of the dwellings are situated at various locations scattered throughout the timber along the north-facing slope, and within the grass/shrub cover north toward the river, some 650 M away at its nearest point.

In summary, the proposed gravel extraction site is small (4.9 hectares), well back (approx. 300 meters) in a southerly direction from the crest of the north-facing hillside which forms the south part of the Villa Vega residential area, and as far away east (downwind) as it can get from any residences. The nearest residence (one of only 2 that can see the proposed pit area) is approximately 300 meters away due north. The other visible residence is approximately 700 meters west of the proposed location. Properly placed berms, well-vegetated, should satisfactorily block pit operations from the view of both of these residences.

Access:

Pit access will follow an existing trail along the southern quarter section Right of Way. It will be upgraded to connect with the existing north/south ROW access road between NW7 7-2-5 and NE7 7-2-5 out to Hwy 507 to the east of the abandoned Rinaldi gravel pit.

Impacts and Mitigation:

Resource extraction operations such as gravel pits have many direct positive impacts — for example: municipal taxes and royalty payments, availability of local sources of aggregate for development of industry, transportation and residential, local jobs for equipment operators, trucking companies and house builders.

Negative comments related to gravel pits generally cite noise and visual as the principal impacts of gravel extraction operations.

Research into the climate of the area reveals that a typical day might see winds in the 50 – 90 km/hr range, a fact that has led to successful development of wind farms, and wind turbine towers are a familiar part of the area scenery. Siting this small Class 2 pit on the far southeast corner of SE18 7-2-5 will place it well downwind of the majority of residences in Villa Vega. It is anticipated that these same winds will significantly reduce the potential for most noises from downwind gravel extraction operations to be a disturbance to residents in the subdivision. Initial pit activities will see development of strategic berms to act as sound barriers that block potential work noises from escaping the pit area. Providing vegetative cover on berms by salvaging and seeding any available topsoil will also maximize the potential for this small pit to blend in with the surrounding topography.

In addition, the north-facing slope where many of the Villa Vega acreages are located is naturally well-treed, and it is anticipated that the vegetation cover there will continue to act as a buffer to suppress off-site noises. Existing noises would include highway (507 & 3) traffic, lawn mowers, chain saws, high winds and trains regularly passing through on CPR mainline.

Operation and Reclamation:

The aggregate deposit at this site is currently overlain by a thin, well-drained soil layer with characteristic grass/forb/shrub cover. There is some evidence to suggest that at some time in the past, an attempt had been made to cultivate the site, perhaps to grow grain or hay. For this site, low soil moisture, low soil nutrients, low rainfall and the drying effect of the predominant winds results in low grazing capability.

Operations will comply with existing Provincial and Municipal regulations and Codes of Practice applicable to gravel pit operations of this size.

The first step in development will be to salvage all surface materials capable of supporting vegetation growth. There is generally a native seed bank present in the surface layer which is beneficial in providing additional native seed source for reclamation. Surface materials will be sequentially removed and stockpiled for later spreading on the re-contoured pit slopes during the reclamation phase. Re-contouring during site reclamation can provide much-needed topographic variation in the form of humps, swales and microsites that encourage seedling establishment. The reclamation objective will be to re-contour and re-seed the site to establish a vegetation cover that will prevent erosion and eventually provide wildlife cover and forage.

Sound Levels:

Noise levels associated with gravel crushing activities at an operating pit were measured on September 20, 2019 during full production at the Alberta Rocks aggregate pit near the junction of Hwy 507 and Hwy 3. Sound levels were measured with an **Hti HT-80A sound level meter**. Distances were measured with a **Leica Rangemaster 1600-B range finder**.

The in-pit heavy equipment in use during the noise level monitoring was:

- . McCloskey J-40 crusher, McCloskey C-44 crusher, McCloskey ST-80 stacker, Extec sorter
- . 2 – 5 cu. yd. rubber-tired loaders
- . occasional gravel truck / trailer combinations removing product from the pit

Table of sound levels recorded in/near Alberta Rocks gravel pit – Sept. 20, 2019

Source	Distance (m)	Decibels (dB)
Background inside pit noise-truck idling, wind, crusher down	89	49
Hwy 3 traffic – cars, trucks, gusty wind- 5 min. duration sample	65	70.6 – 39
West pit access rd. – near Tp. Rd. 7-26 -4 min. duration	225	47.7 – 36.5
Mid-pit –Talon Peak Estates Road – 5 min. duration	230	47.7 – 37.4
East end of property – pit operating, Hwy 3 traffic @ 200 meters- 2 min.	500	60.3 – 39.2
East end of property – pit operating, Hwy 3 noise partial block – 2 min	450	52.3 – 32.9
Inside pit – operating – clear view W of crusher – 5 min. duration	145	66.6 – 46.3

Low noise levels associated with this operation are partly due to the presence of a 2 meter high vegetated berm along most of the pit perimeter, in addition to the fact that the pit develops in benches downward, effectively blocking sound from leaving the pit itself.

Additional noise sources:

Westbound CPR train – 2 diesel locomotives pulling oil cars - distance 170 meters - dB = 71.5 maximum

Re: Cross-section A – A'

This cross-section represents a slice south to north through the east part of the Villa Vega subdivision, originating in the area of the proposed pit then proceeding north through SE18 7-2-5 and part of NE18 7-2-5. It is intended to illustrate the gradient and orientation of the timbered north-facing slope. Residences in this area are across the flats, over the hill and well away from proposed development activities associated with this application.

Figure 1: Cross-section A - A'

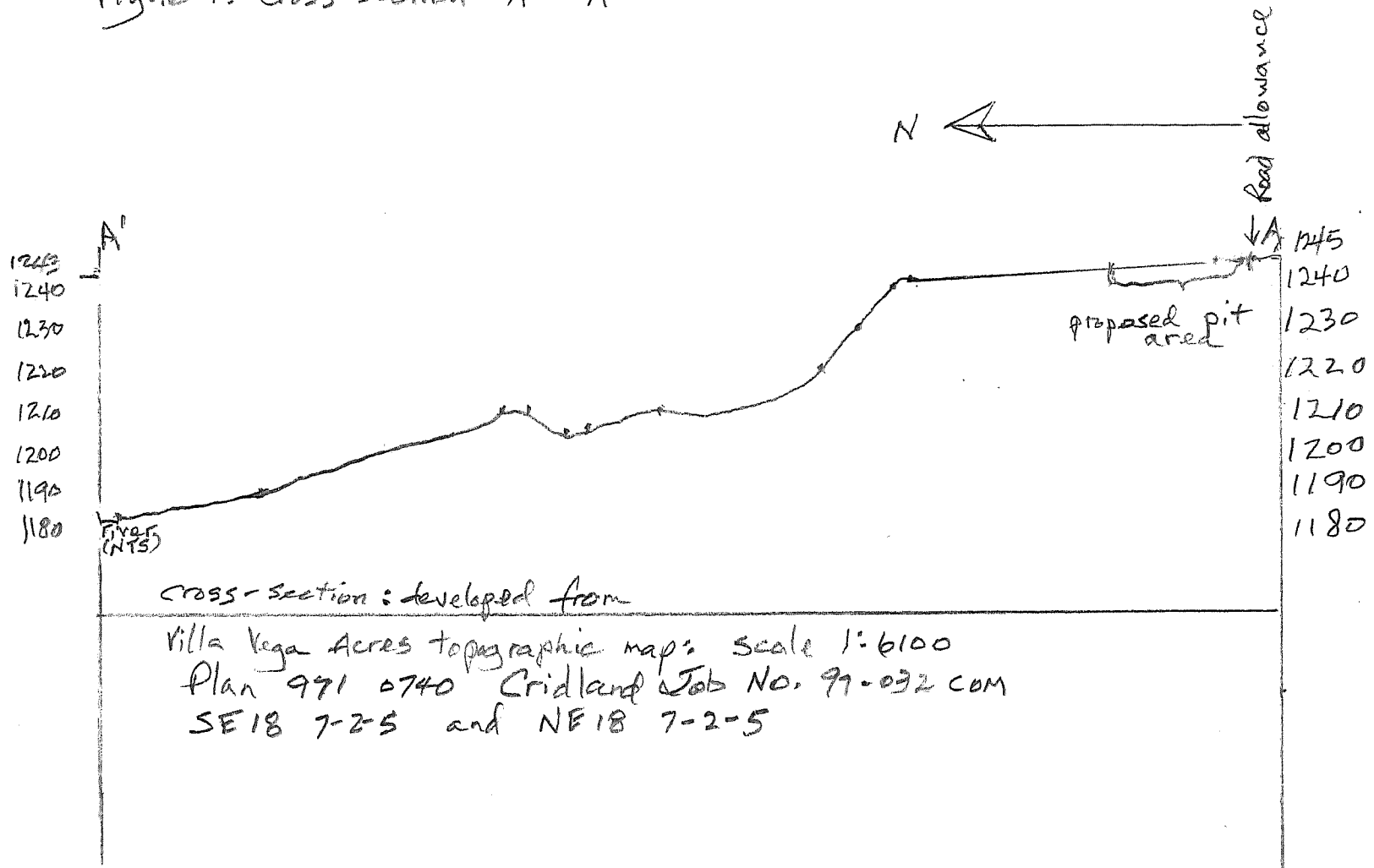
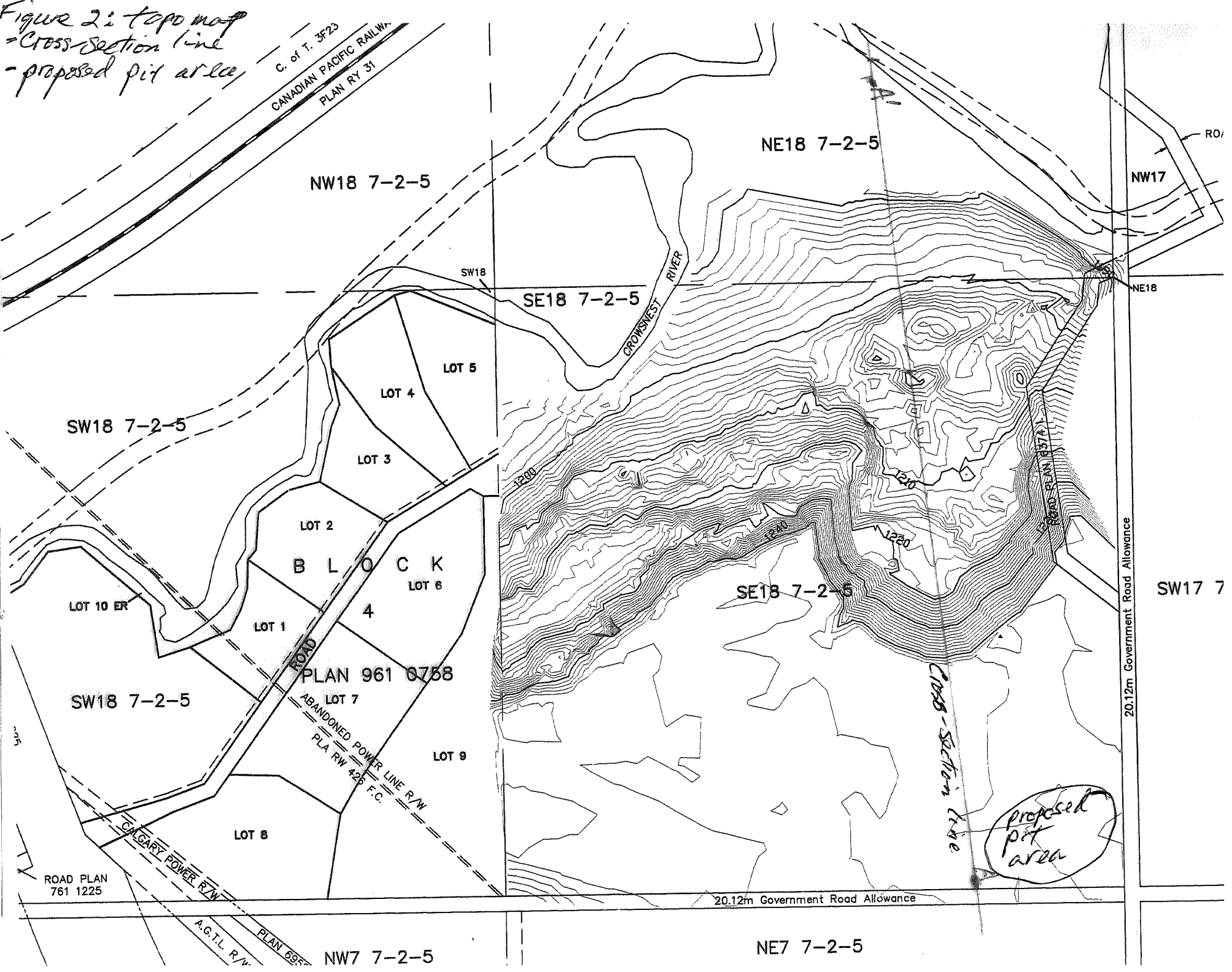
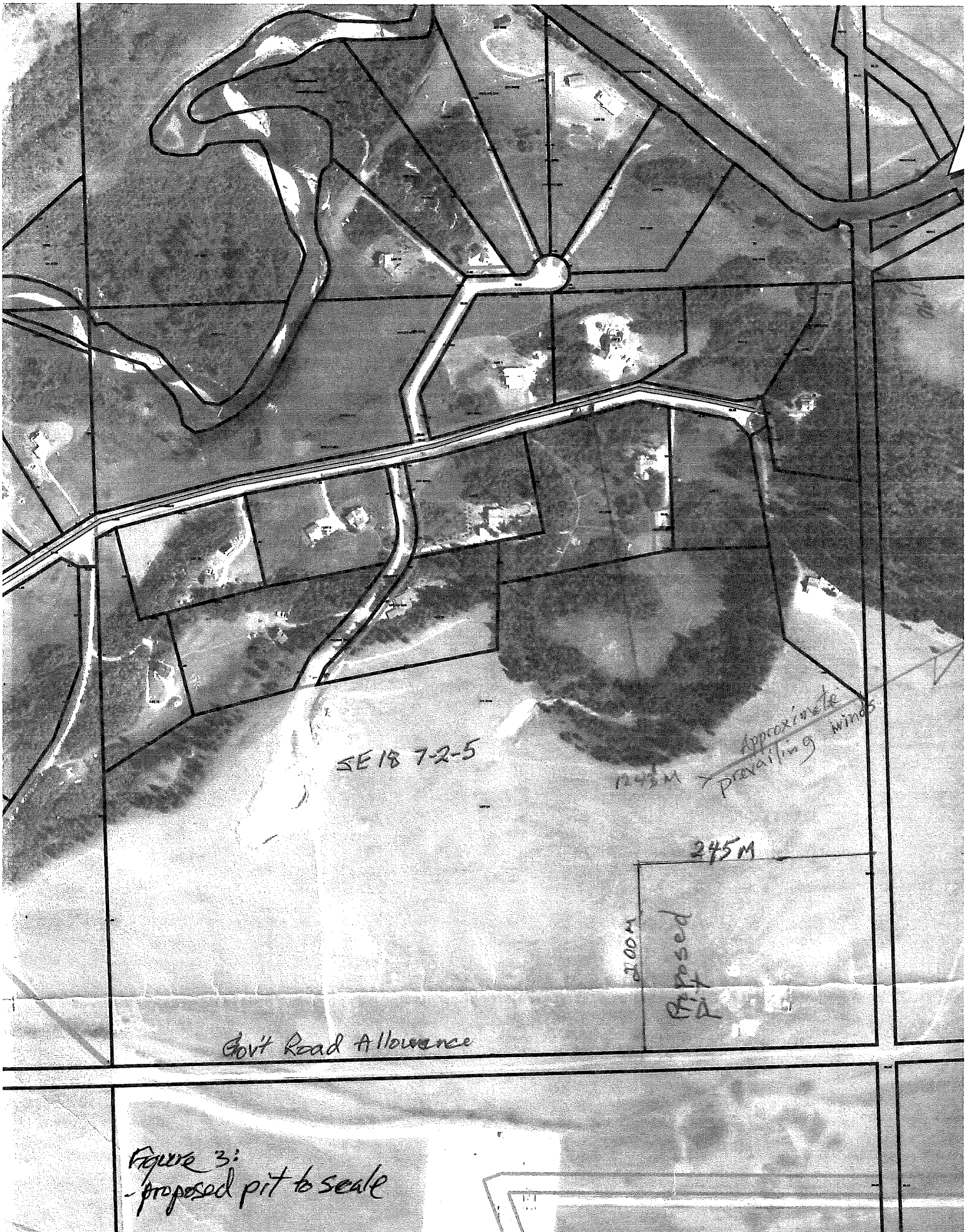
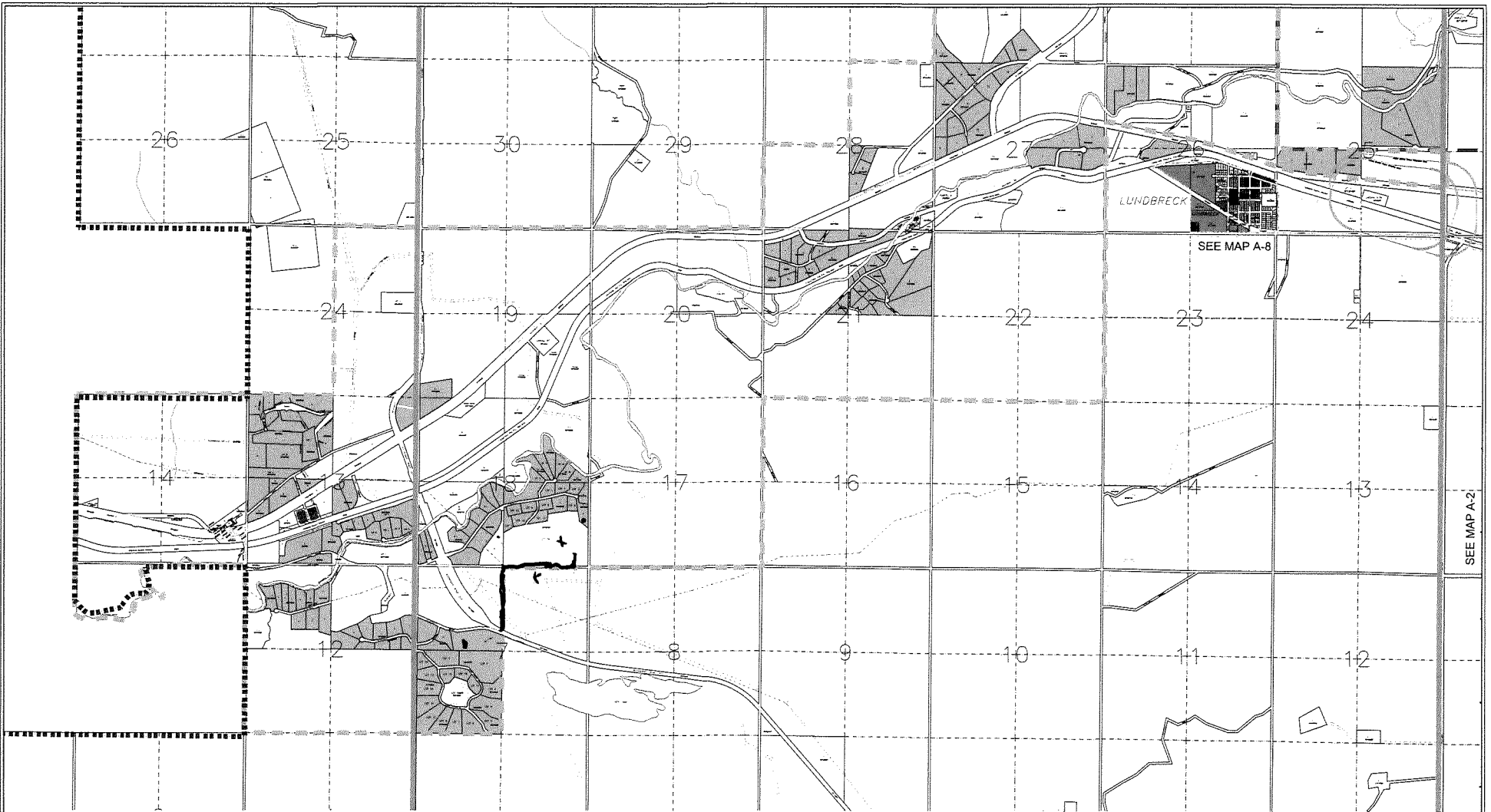


Figure 2: topo map
- Cross-section line
- proposed pit area







M.D OF PINCHER CREEK No. 9
 LAND USE DISTRICT MAP
 Bylaw No. 1289-18, November 13, 2018

BURMIS LUNDBRECK CORRIDOR

--- Burmis Lundbreck Corridor ASP Boundary
 - - - Hamlet Boundary

- Agricultural
- Direct Control
- Parks And Open Space
- Rural Recreation 1
- Rural Recreation 2
- Grouped Country Residential

- 'A'
- 'DC'
- 'POS'
- 'RR-1'
- 'RR-2'
- 'GCR'

MAP A-3

SEE MAP A-2

SEE MAP A-8

LUNDBRECK

October 19/ 2022

TO: REEVE AND COUNCIL

REEVE AND COUNCIL

My Name is Craig Anderson a part owner in Alberta Rocks Ltd. We have been operating our gravel pit along highway 3 for 15 years and have supplied gravel to many projects in both the Md of Pincher Creek as well as the Crowsnest Pass. Also many acreage owners/farmers and ranchers as far as waterton. An example of a recent and current project is the beaver mines water and sewer upgrade. Our material has supplied this project saving the MD and rate payers money because of our location. Product would have been trucked from much further adding to costs quickly. On average for every 20km further of trucking it doubles the cost of delivery.

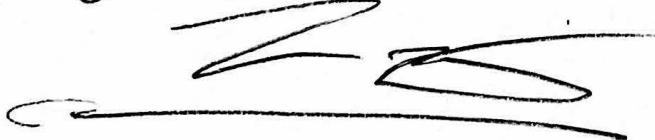
We have worked out of current location with no issues with all neighbors around us in fact they support us moving forward.

The water well for the Talon Peak subdivision is in our current gravel pit and supplies all acreages above with zero issues.

Over the past 15 years we have sold gravel to more than 1500 customers in and around the area. We hire multiple people every year as well as working with many contractors to help each other throughout the season. We support many local businesses in the area as well.

I believe hauling the material over to current yard for sales and processing is a good way to move forward and keep supplying a necessary product at an affordable price for our customers.

Craig Anderson

A handwritten signature in black ink, consisting of several bold, sweeping strokes that form the name 'Craig Anderson'.

Letter from Vince

Craig Anderson <[redacted]>

Wed 2022-10-19 9:12 AM

To: Laura McKinnon <AdminDevAsst@mdpincercreek.ab.ca>

Laura this is Vince's letter.

Thanks

Craig Anderson

Alberta Rocks Ltd.

403-627-7435

From: Vince Anderson <[redacted]>

Sent: Wednesday, October 19, 2022 9:07 AM

To: Craig Anderson <[redacted]>

Subject: Re , application for gravel extraction . Alberta Rocks

Re , application for gravel extraction .

We have been operating our gravel business on the north side of highway 3 for approximately 15 years Our neighbours here have no problem with our current operations,many of them rely on our products to keep their acreages and business interests supplied with affordable materials and delivery.

Talon Peaks development is adjacent to us and has their water supply coming from a well that is in our gravel pit ,this well pumps up to their cistern above and gravity feeds most of the acreages

There have been No issues with operating our processing of gravel and continued water supply to the acreages of Talon Peaks

We supply materials to a large area in and around the Municipality of Pincher Creek and the Crowsnest Pass

When delivered costs are considered,we are more affordable because of our closer location than most other gravel sources .

Our supply of pit run gravel is just about depleted at the current location,which is why we are applying for another source to continue our business

In 1995 we started developing acreages in Villa Vega. All the acreages there and roads ,into and around the developed area were supplied with materials from the area above where we are now applying to extract only materials to continue our operations.

The 88 acres that we have kept and owned since 1995 has very low agricultural value,.back in 1983-84 it was assessed at approximately 40 acre's per cow calf grazing

There are sour gas wells and pipelines on properties to the south,east and west of this property Also high voltage Alta Link electrical structures run adjacent

It has always been our intent to utilize the resources of the parcel for gravel. The areas where we sampled the materials and built the infrastructure for the development of Villa Vega show that it is a good product..

We hope that council will consider for the 5 hectares in the south east corner of the

property. There is already a sample area there showing a good representation of the product available. We realize there are concerns about the aquifer and believe there will not be any disturbance as we are nowhere near the depth of the water table, having dug test holes along the whole property. Also we are not processing any product, so there will be no contamination.

There will be no retail sales from this area and all product will be transferred to our existing pit on the north side of highway 3 for processing. Transporting will be done on the road allowance on top and coming out on highway 507 adjacent to the Rinaldi pit which the M.D hauled out of for years but has now been reclaimed. No trucks will be driving through Villa Vega unless they are delivering product to the acreage owners.

Alberta Rocks. Vince Anderson

Sent from my iPad

To: The Municipal District of Pincher Creek No.9
From: Sandra and Randall Baker
Date: October 17,2022
Re: Application for Amendment to the Land Use Bylaw
Portion of Lot 14, Plan 971 0740 within SE 18-7-2 W5M
Bylaw No.1342-22

BACKGROUND and HISTORY

Background

We are residents at 25 Villa Vega which is Lot 13, Plan 9710740. The registered and assessed owner of the property is Sandra. The property was purchased in an undeveloped state in 1998. A residence was constructed beginning in August 2002. The property has been our permanent principal residence since December, 2009.

Our property adjoins Lot 14, Plan 9710740 which is the subject of this application.

A diagram showing the location of Lots 13 and 14 in relation to each other is attached as “**Schedule 1**”.

Access to our property is a Right of Way over a portion of Lot 14, Plan 9710740 – marked in heavy blue on “**Schedule 1**”. The access road is on the land owned by the applicant. The access is provided through a registered easement that connects us to Municipal Township Road 7-2. There is no other access to our property. Our home fronts onto the access road.

History

Our property was purchased from V&O Anderson Development Corporation, as represented by Vince Anderson, who was the developer of the multi-phased Villa Vega subdivisions. The subdivisions were taken from the SE 18-7-2 W5M. V&O retained ownership of the adjoining Lot 14 which is south and east of us.

V&O established development control covenants on the Villa Vega subdivision lots which, among other provisions, restricted the use of all lots, except Lot 14, to private residential development.

Lot 14 was zoned as Agricultural and has always been used for intermittent grazing of cattle and horses.

It is important to note that V&O left Lot 14 within the subdivision of Villa Vega, not as part of the SE quarter section. It could have been left as separately titled agricultural land but they chose to put it inside a rural residential subdivision. The implication from this is that V&O developed its lands under a scheme to promote a desirable residential development leaving open the possibility of developing Lot 14 for residential use as well. Other portions of the SE quarter were purposely left outside the Villa Vega plans.

There was an existing excavation on Lot 14 from which gravel had been removed. The pit was not being actively worked at the time. We believe, but are not certain, that the gravel was used in connection with road building and lot development in the Villa Vega subdivisions. That pit has not been reclaimed during the 24 years we have owned our property.

At some time during our ownership, V&O became Alberta Rocks Ltd., as represented by Craig Anderson (one of the named applicants), through a reorganization of corporate assets within the family of Vince Anderson.

At the time we purchased our property, Villa Vega was situated in an area regulated by the *Burmis-Lundbreck Special Area for Country Residential Use*. That document provided that there could be no gravel pit development within .8km (1/2 mile) of an approved residence. Any change to that distance required the owner to establish **“that it is reasonable and appropriate to reduce the .8 km separation distance.”** We relied on that regulation as part of our decision making process to buy the lot and develop our home – particularly given the existence of the open excavation on Lot 14.

In 2005 V&O made a discretionary use application for development of a gravel pit on Lot 14. There was considerable opposition from Villa Vega residents and after an actual MD site visit, the Council of the day denied the application.

In 2013, the *Burmis Lundbreck Corridor Area Structure Plan* was adopted by the MD.

In 2014 there was an incident where several unpermitted loads of gravel were removed and trucked from Lot 14 to an unknown site. There were complaints lodged with the MD by residents about the activity and a letter was sent to Mr. (Vince) Anderson by the MD with a warning to cease or face a stop order. A copy of the letter is attached as **“Schedule 2”**. Activity stopped. To our knowledge there has been no further extraction from the pit since that time. The expanded open excavation has not been reclaimed.

In January 2020 there was an application made to change the zoning to “Direct Control” to allow development of a full gravel pit and crushing operation. Upon considering the massive objection from Villa Vega residents, Council denied the application.

OPPOSITION

We are opposed to this newest application before Council for the following reasons:

We have been through this before

Nothing has physically changed on Lot 14 since the application was made in 2005 – except the unauthorized expansion of the existing pit. Nothing more has changed since the application to convert to Direct Control in 2020 was denied.

This application – a second application to bring the land under Direct Control - takes a different format by removing the intent to crush gravel on the proposed site. That changes nothing. Opposition to the 2020 application addressed both extraction and crushing operations. Removing the crushing component does not change most of the issues affecting us and our neighbours.

Location

The proposed gravel pit operation is just over 270 metres from our property. This is one third of the distance that was specified in the *Burmis-Lundbreck Special Area for Country Residential Use* regulation which governed our property when we bought it and decided to build our home.

Water

We draw our water from a drilled bore well at a depth of 27 feet. We do not know the underground source of our water. We do not know whether there is an aquifer below us that is shared with the proposed gravel site.

Industrial use of water drawn from Lot 14, if such were to be required in gravel extraction or dust control, could compromise our water supply. As well, removal of the gravel layer to a depth of 3.5 metres as proposed by the applicant could negatively affect ground water flow. It could also affect the percolation process that naturally purifies ground water.

Loss of Enjoyment

Gravel pit extraction operations are ugly, noisy and dusty and may lead to wildlife habitat destruction.

Hours of Operation - We live year- round in our home. We are retired and spend much of our time developing and maintaining our home and grounds. We are at home during the day almost every day. Similarly, the other owners of homes adjoining Lot 14 make full daytime use of their properties. Suggesting that limiting worksite operations to specific daytime hours will do nothing to lessen the effect of those operations on its neighbours. The proposed development is intrusive and unwelcome at all daylight hours and detracts heavily from the quiet enjoyment we are entitled to expect in a rural residential neighbourhood.

Noise – All residents of Villa Vega would be impacted from any noise that comes from a gravel operation at any time of the day. In particular, the incessant sound of **equipment back-up alarms** is very disturbing to a residential environment. Everyone is familiar with the sound.

The intrusive noise level was very evident during the period when gravel was being improperly removed in 2014. It was the alarm noise that made us investigate what was taking place on Lot 14 at the time (very early morning on the Easter long weekend).

We take no comfort in the decibel information filed with the application. Amplitude is one thing – the actual tone and frequency of the sound can be discomforting regardless of the volume.

It is also important to look critically at the noise study filed with the application. Of greatest concern is the fact that the reported high/low readings are essentially averaged over the time of measurement. Because backup alarms are intermittent, averaging the reading is misleading. It takes no notice of the continuous high beep and silent pause of the alarm over the stated periods – just one high and one low measurement is provided in the range. A measured number is one thing – the reality of the ever-repeating high pitched sound is another.

Dust - We are situated north and west of the proposed gravel site but when winds are experienced from southerly directions they are usually brisk and certainly sufficient to deliver dust to our property.

The pit would be a source of dust as would the haul route proposed to service it – see “**Schedule 1**” for haul route location. Extensive truck traffic over the long stretch of unbuffered trail across Lot 14 would bring that activity much more in line with our property and make dust production far more extensive and pervasive.

Vibration – Both heavy equipment and gravel truck hauling activities cause vibration. The area surrounding the proposed development is hard packed aggregate. Widely transmitted vibration would result and be felt in residential areas.

Viewscape and Personal Use – The proposed pit lies on open rangeland situated between us and our view of the mountain ranges to the south. That view was a significant consideration in our choice to live in Villa Vega.

Berms, stockpiles, truck traffic and dust clouds will detract from our enjoyment of the vista as well as the use of our outdoor spaces for pleasure and recreation.

Wildlife Habitat – We love being close to nature and enjoy watching the many animals and birds that frequent our acreage. We live in an area regarded by the MD as environmentally sensitive where wildlife protection is provided by the *Burmis Lundbreck Area Structure Plan*.

Gravel pits degrade bird and animal habitat in the same way that they affect human habitat. The beauty of the natural environment is adversely affected and natural ecosystems are destroyed.

We do not want to lose this connection to nature or have it negatively impacted.

Access

This is a significant issue for us.

Lot 14 has no developed road access except through the panhandle portion of its boundary connecting to Township Road 7-2. That is also our access road as shown in heavy blue on “**Schedule 1**”. There is no developed road on Lot 14. There is no development of adjoining road allowances feeding out to Highway 507 to the south or to the west.

The haul route suggested by the applicant travels along the unimproved east/west government road allowance adjoining Lot 14. That then connects to a north/south road on private land (which the applicant does not own) before reaching Highway 507. Nothing has been filed to show that it has the right to haul over the private land that it would have to cross to reach Highway 507.

An application is before Council for the MD to take responsibility for that north/south road pursuant to an application made by the landowner, Terry Yagos. If that application is accepted, then the proposed haul route would be over an unimproved MD road.

That leaves Township Road 7-2 as its only current existing unrestricted legal access to Highway 507. The application states only an intention to haul gravel across the south boundary of Lot 14. It makes no mention of restricting the use of the panhandle portion of the Lot or Township Road 7-2 in its operations.

If that was allowed to happen, heavy trucks would be driving very close to four residences and we personally would be subjected to constant traffic 25 metres from our home.

Township Road 7-2 is the main road through a residential subdivision and would impact a further seven road facing residences and a multi-site trailer development. No one living in a residential subdivision is prepared to put up with the disturbance of the constant traffic from heavy trucks over a dusty gravel road.

Property Value – Residential Property

It is commonly understood that location affects property value. Having an industrial operation in such close proximity would affect both the market value and saleability of our property and that of our neighbours.

Property Value – Lot 14

Craig Anderson signed the application. He is the son of Vince Anderson who was one of the owners of V&O at the time Villa Vega was developed. Alberta Rocks Ltd. is the successor to V&O through a reorganization of family assets. Essentially, the land is still in the family.

The point we want to make is that an original decision was made to take the value out of the entire SE 1/4 by developing it as a Country Residential subdivision with development controls that were established to attract residents intending to build upscale homes. The concept was successful and has become the reality. All lots were sold. All lots adjoining Lot 14 were developed.

We believe that it is inappropriate now for the applicant to propose to profit from an industrial operation forced on our residential neighbourhood when its predecessor has already fully profited from creating that neighbourhood. If gravel extraction was to be a major part of the development of the SE1/4 that should have been done first. That was a business decision made at the time and the applicant should have to live with it.

Property Value – Assessed Value

The 2019 assessed value – the most current information available to us - of the Villa Vega properties directly adjoining or affected by the application because of lot boundaries, access routes or site lines– 6 in total - totalled \$3,238,600.00 for an average of \$539,766.00. These are substantial, fully developed homes.

Normal assessment principles would see those assessments drop over time from the decrease in property value caused by proximity to an industrial operation.

Compatible Use – Lot 14

If Lot 14 is to be further developed, it should only be developed for a use compatible with the Country Residential subdivision of which it forms a part and the Burmis Lundbreck Corridor in which it is located.

Proximity to Residences

The application attempts to downplay the proximity of the proposed pit to existing residences in the area. Attached as “**Schedule 4**” is an aerial view highlighting the actual residence locations. Importantly, almost all of the residence owners have filed objections to the application.

Liability

Finally, Council should give serious consideration to the liability it is taking on as it goes through this process. Following is a direct quote from Alberta Municipalities Association speaking to you as one of its members on this issue

Municipal approvals

Municipalities are potentially liable for any negligent approvals for land use amendments, development permits and subdivisions. Impacted parties may cite that the municipality should have completed its due diligence prior to granting approvals.

Where ongoing risk management measures are imposed as a condition of planning development approvals, the municipality may incur third party civil liability for failure to inspect and endorse risk management measures in the future.

MD of PINCHER CREEK BYLAW CONSIDERATIONS

Burmis Lundbreck Corridor Area Structure Plan

Lot 14 is within the boundaries of the *Burmis Lundbreck Corridor Area Structure Plan*. That planning document is intended to give direction to Council and its Committees in making development decisions. It was created because the corridor was recognized as a special place within the MD. It resulted from a lengthy process based on substantial interaction with the residents within its boundaries as well as other citizens within the MD.

A look at the map of the area regulated by the *Plan* will clearly show that all of the existing residential subdivisions in the area were purposely enclosed inside the boundaries. This inclusion allows for consistent regulation and control of the Country Residential subdivisions that have been developed.

Bylaw Framework

The *Burmis Lundbreck Corridor Area Structure Plan*, along with MD's *Municipal Development Plan* and *Land Use Bylaw* set the framework for assessing this application.

Combined they tell Council to look at three time periods – the past, the present and the future.

For the past the *Land Use Bylaw* says that you are to look back at the uses, regulations and development criteria in the plan you are superseding which is discussed below.

For the present, it says at *Direct Control – DC 3.3(a)* that you are to look at “the existing use of the land”.

The existing use is what it has been for as long as the Villa Vega subdivision has existed – agricultural grazing land situated within a residential subdivision.

For the future, the *Burmis Lundbreck Corridor Area Structure Plan* tells you to:

- Consider that “the Municipality discourages industrial uses in the Plan Area” [see Section 4.7]
- Give general residential privacy considerations full attention when a development or subdivision is being considered [see Section 3.3(f)]

- Consider the effects of noise, dust, smoke, glare and other hazardous impacts – in this case water – and that such effects do not erode the quiet enjoyment of a residential environment. [See Section 3.3(g).
- Limit industrial and commercial development in the Corridor while making the best use of the area’s resources by careful consideration of future needs. [see Section 3.3(i)]
- Promote agricultural uses, wildlife crossings, and ungulate wintering ranges [See Section 3.3(l)(iv)]

Note: The Plan identifies the proposed gravel pit as being within “Key Ungulate Habitat” [See Figure 3 – Crowsnest Ridges]

- Observe the many detailed restrictions set out in the policies contained in Section 5.3.1 intended to “Preserve Rural Character”

Bylaw Process

For a gravel pit operation to proceed, there are two steps to be taken.

The first is to bring the site under “Direct Control”.

The second, if the first is successful, is to issue a development permit based on an application by the operator.

As to the first step, the *Burmis Lundbreck Corridor Area Structure Plan* makes special provision for establishing a “Direct Control” district for a gravel pit operation by action of Council, stated as follows:

4.7 Industrial Land Use Policies

c. Applications in support of establishing a new or expanded sand/gravel operation in the Plan shall first apply to designate the land to the Direct Control district of the *Land Use Bylaw*.

As part of deciding whether to take a proposed development out of the regulation of the *Burmis Lundbreck Corridor Area Structure Plan* Council should consider why Lot 14 was inside the *Plan* in the first place. That is best achieved by looking at the relevant portions of the *Plan* “objectives”:

3.3 Plan Objectives

The following objectives shall be used as a framework for the policies of this plan and its implementation.

a. To identify and promote the retention of the area’s natural attributes, aesthetics and features by developing locational and environmental policies which sustain the natural environment.

d. To protect environmentally significant and historic resource areas (as identified in “Environmentally Significant Areas in the Oldman River Region, Municipal District of Pincher Creek” - February 1987) within the Plan Area by identifying these areas and limiting the intensity of subdivision and development in the vicinity. Note: Lot 14 is located on the Crowsnest Ridge which is defined as one of those areas.

f. 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.

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.

i. To limit industrial and commercial development in the Corridor while making the best use of the area's resources by careful consideration of future needs.

l. To implement policies which:

(i) allow careful monitoring and review of development and subdivision in the area;

(ii) ensure that this plan and its implementing mechanisms, once adopted, are reviewed in the future;

(iii) limit the density of subdivision and development within the area; and

(iv) promote agricultural uses, wildlife crossings, and ungulate wintering ranges

Importantly, the MD's *Land Use Bylaw* tells Council that in evaluating an application for Direct Control that it is required to consider the existing regulation of the *Burmis Lundbreck Corridor Area Structure Plan* which it is superseding. The following portion of the "General Development Conditions" taken from the section entitled "Direct Control – DC" of the *Land Use Bylaw* states:

3.3 In evaluating a proposed land use or development, **Council shall have regard for**, but not be limited to:

(a) the existing use of the land;

(b) the uses, regulations and development criteria specified in the land use district superseded by this land use district;

(c) the general and specific regulations as contained elsewhere in this bylaw;

(d) the land use regulations or adjoining land use districts.

In essence, the provision is recognizing that the objects of the *Burmis Lundbreck Corridor Area Structure Plan* be carried forward into any Direct Control regime.

The fact is that the gravel extraction proposal is offside of the *Plan* in so many ways that it does not deserve to be allowed.

To put an emphasis on this point, Council passed a *Municipal Development Plan* that tells its appointed subdivision authorities to allow applications such as the one now before you only under the following limited parameters:

7.3 Waiver of Area Structure Plan Policies

a. As allowed for in the *Municipal Development Plan* and *Land Use Bylaw*, **the Subdivision Authority or Municipal Planning Commission may approve an application** for subdivision, or development approval even though the proposed application does not comply with the area structure plan **if, in its opinion, the proposed application would not:**

(i) unduly interfere with the amenities of the neighbourhood, or

(ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land.

Adding to this point is the language used by Council in its *Land Use Bylaw*. There it instructs its Municipal Planning commission as follows:

53.4 ... a natural resource extractive use shall not be developed at a location which, in the opinion of the Municipal Planning Commission would lead to land use conflicts with adjoining or nearby uses.

The issues raised in this opposition and the overwhelming opposition filed by others should make it clear that the applicant has not met the requirements to overcome the principles that are to be applied under these provisions made by Council.

There is no logic in Council creating a Direct Control district that goes against the very principles it set to restrict and control decisions made by its own Commission and Boards.

Council is also to consider another important provision of the *Burmis Lundbreck Corridor Area Structure Plan*

3.3 e - Objectives - To limit industrial and commercial development in the Corridor while making the best use of the area's resources by careful consideration of future needs

The "best use of the area's resources" would appear to contemplate benefiting local concerns if there is to be a modification to the *Area Structure plan*.

There has been no convincing evidence of "future needs" filed with this application. There is nothing that shows a lack of supply of gravel for the MD. The supporting material filed by the applicant in its 2020 application stated that the Alberta policy is for gravel to be sold to the highest bidder with no priority to municipalities. There is nothing to suggest or guarantee that the gravel from this pit would be directed to developments in the MD. Council has no ability to prevent it from being trucked out of the MD.

The applicant is asking for something that is not necessary, reasonable or appropriate for the MD in general or the neighbourhood in particular.

Reclamation

The *Burmis Lundbreck Area Structure Plan* provides that:

4.7 d - All new sand/gravel pit operations shall submit a reclamation plan as part of the development application process and shall be subject to a development agreement. Progressive reclamation is recommended during pit operation as it may take two to three years to return the land to an equivalent capability. Once a development stage is completed, overburden and subsoil can be directly placed into depleted pit areas to achieve the contour grade for reclamation. Reclamation should focus on restoring gentle landforms, establishing equivalent drainage and reconstructing an acceptable soil. Reclaimed land surfaces must be at least one metre above the water table's shallowest depth.

It is recognized that this provision would be relevant to the Development Permit aspect of the operation only if this current application is successful. It is not really a consideration as to whether a Direct Control bylaw will be adopted.

However, the applicant has chosen to address reclamation in its material so it is worthy of comment to clarify the actual regulation that surrounds gravel pits in Alberta.

The applicant states that it will observe *Codes of Practice* for gravel pit operators. That is misleading. The fact is that gravel pits under 5 hectares in size are not subject to any provincial legislation, Codes of Practice or regulation except as to reclamation and some water use requirements. Although the obligation to reclaim sounds good, it must be noted that even though such obligations are prescribed under the regulations to *The Environmental Protection and Enforcement Act* there is no time frame in which they must be performed.

This information is emphasized in a publication entitled *Surface Material Extraction Pits in Alberta: What Landowners Need to Know* which is published by the Province of Alberta on its website. Relevant sections are attached here as “**Schedule 3**”

As an additional matter, we understand that the MD does not use fines as a deterrent in enforcing its Land Use Bylaws and controls. If the MD has concerns about reclamation, putting them in agreements or development conditions will be toothless if the only power exercisable by the MD is to shut down the operation. There will be nothing to shut down once the pit is depleted.

There is an existing open pit on Lot 14 that is approximately one-half hectare in size, just uphill from our home. It has been there at least since 1998, when we bought our property. During that time, it has been used for unpermitted gravel extraction but there has been no reclamation whatsoever. Full reclamation of the existing pit or the proposed pit is unlikely owing to the fact that there is minimal top soil available on Lot 14 for that purpose.

An aerial photo of the existing pit is attached as “**Schedule 5**”. The photo provides good evidence of our concerns relative to reclamation promises by the applicant.

The foregoing should cause Council to consider whether it wants to approve a gravel operation that avoids enforcement jurisdiction by the Province and places that responsibility entirely on the MD. The likelihood of crafting a Direct Control agreement that covers the multitude of issues and complaints that could arise from a gravel operation is highly unlikely. The consequence is that Councils and MD staff, now and well into the future, will constantly face angry and frustrated residents demanding compliance enforcement.

CONCLUSION

Proposing to locate a gravel pit within a Country Home subdivision is simply a bad idea.

No home owner wants a gravel pit for a neighbour. This is not just about us as one neighbour – this proposal affects many neighbours – it affects our entire local community – the high number of objections tells you that.

Our life and the lives of our neighbours - our right to quiet enjoyment - would be negatively impacted on a daily basis and that impact would be significant!

The proposal shows no benefit to the MD or the neighbourhood.

Our objection touches on more than **40** negative points and specific actions that Council should consider or do in order to deliver a fair decision.

The *Land Use Bylaw* and the *Burmis Lundbreck Area Structure Plan* purposely places heavy restriction on gravel pit development.

Allowing an industrial property next to a residential property is the wrong precedent to set for orderly residential development within the MD.

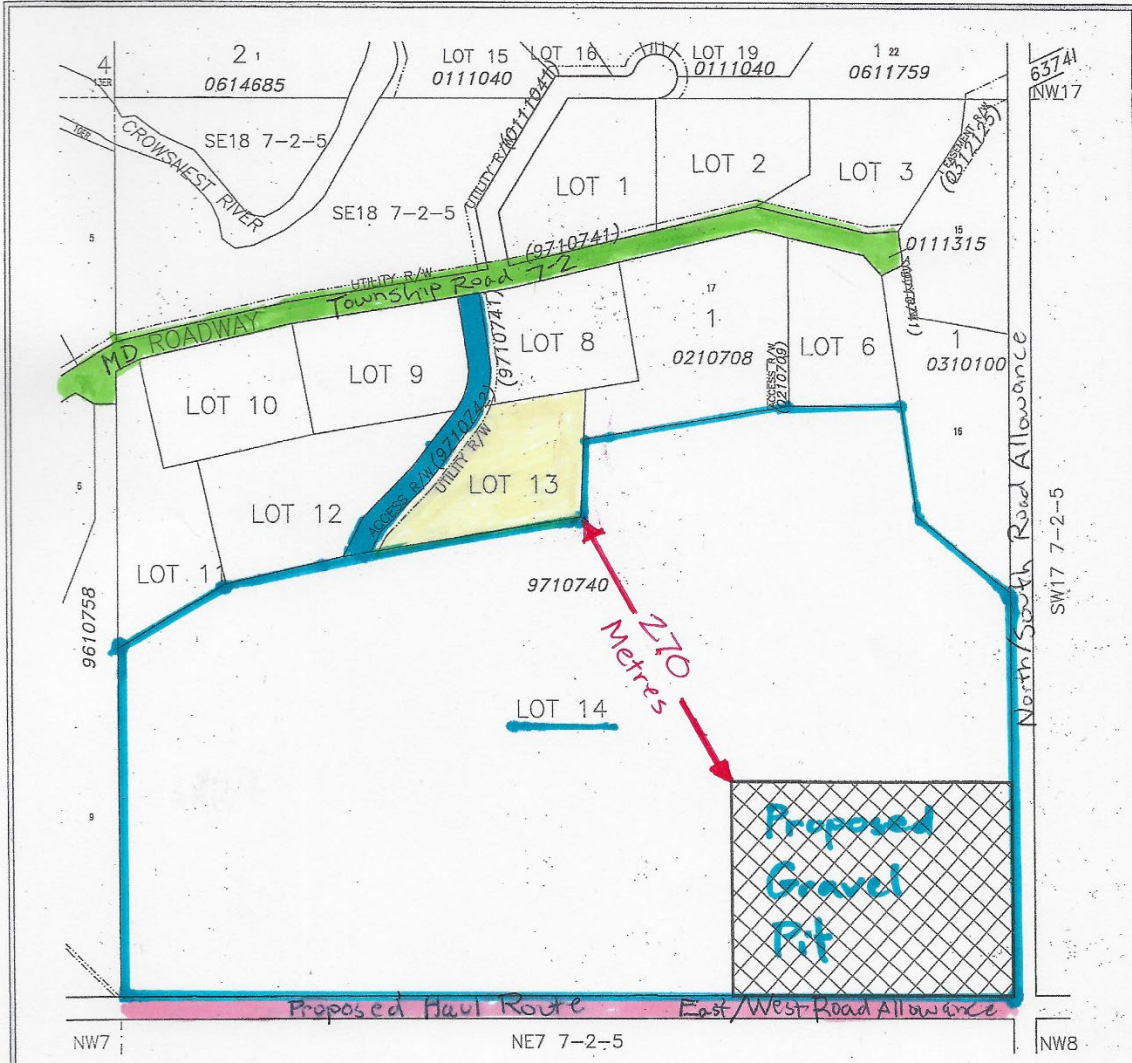
Please consider how a gravel pit in close proximity to your own home would affect your own life and that of your family.

Please do not pass this *Land Use Bylaw* amendment.

ATTACHMENTS

- Schedule 1 Coloured Site Map
- Schedule 2 MD of Pincher Creek letter of May 6, 2014
- Schedule 3 Excerpts from *Surface Material Extraction Pits in Alberta: What Landowners Need to Know*
- Schedule 4 Photo of residences in proximity to proposed pit
- Schedule 5 Photo of unreclaimed pit on Lot 14

Schedule 1



LAND USE DISTRICT REDESIGNATION SCHEDULE 'A'



FROM: Agriculture 'A'
TO: Direct Control 'DC'

PORTION OF LOT 14; PLAN 9710740
WITHIN SE 1/4 SEC 18, TWP 7, RGE 2, W 5 M
MUNICIPALITY: M.D. PINCHER CREEK NO. 9
DATE: NOVEMBER 28, 2019

Bylaw #: 1315-19
Date: _____



November 28, 2019 N:\Pincher-Creek-MD\Pincher-Creek-MD LUD & Land Use Redesignations\MD of Pincher Creek - Lot 14, Plan 9710740.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA T1H 5E8
TEL. 403-329-1344
"NOT RESPONSIBLE FOR ERRORS OR OMISSIONS"

May. 2014

Schedule 2



P.O. BOX 279
PINCHER CREEK, ALBERTA
T0K 1W0
phone 627-3130 • fax 627-5070
email: info@mdpincercreek.ab.ca
www.mdpincercreek.ab.ca

May 6, 2014

Dear Mr. Anderson:

**RE: Lot 14, Plan 971 0740
Within SE 18-7-2 W5M (the Lands)
Non-Compliant Excavation**

The Municipal District of Pincher Creek No. 9 (the MD) has recently received complaints and photographs from landowners adjacent to the above lands indicating that large scale excavations have been recently undertaken on said lands.

Please be advised that pursuant to Section 15 of the MD's Land Use Bylaw and Section 683 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26, a Development Permit is required for any excavation greater than 100 m³.

Further development of this nature taking place on the lands, shall result in the MD taking steps at the expense of the Registered Owners of the Lands, to issue and enforce a Stop Order pursuant to Section 645 of the Act and Section 28 of the Land Use Bylaw.

Should further information or clarification be required, please do not hesitate to contact us.

Regards,

Roland Milligan
Director of Development and Community Services

Cc: Council MD Pincher Creek
Wendy Kay, CAO
Adjacent Landowners

Schedule 3

Surface Material Extraction Pits in Alberta: What Landowners Need to Know



farmers'
advocate
office

Alberta

Regulation of Sand and Gravel Pits in Alberta

Large Pits (Class I Pits)

Class I pits are 5 hectares (approximately 12.4 acres) or more in area. There are approximately 888 Class I pits on private land in Alberta. The 5 hectare size limitation includes the entire pit disturbance area over the lifetime of a pit, including roads, stockpiles or other temporary facilities.

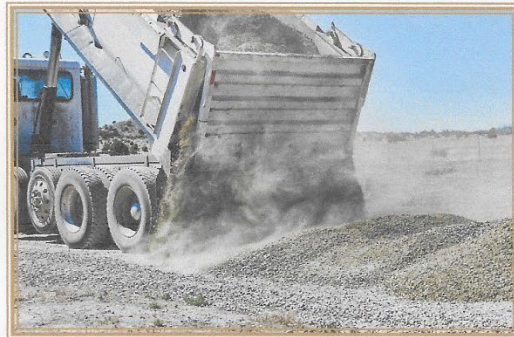
Landowner consent must be obtained before a Class I pit is established. These pits require registration with Alberta Environment and Parks (AEP) under the *Environmental Protection and Enhancement Act*, and must follow AEP's Code of Practice for Pits. There is no provincial public consultation process for the AEP registration. All components of the *Water Act* apply, and applications under the *Water Act* require public notice.

The registration with AEP requires the company to submit an activities plan that provides details on the planned construction, operation, and reclamation for the pit. Any changes to the activities plan must be brought forward to AEP prior to the operator undertaking the new or changed activity. For a Class I pit, the operator must maintain written permission from the landowner for the life of the development. This means that if the land is sold, the operator must obtain written permission from the new landowner if they want to continue operating.

Small Pits (Class II Pits)

A Class II pit is less than 5 hectares in size on private land. A precise statistic on how many Class II pits exist in the province is not available. Class II pits are more common in Alberta, and it is estimated that there are over 1,500 Class II pits throughout the province. If the operator of a Class II pit wants to grow the operation larger than 5 hectares, they must apply for a registration with AEP.

Unlike a Class I pit, a Class II pit does not require a registration with AEP under the *Environmental Protection and Enhancement Act* and does not need to follow the Code of Practice for Pits. However, since these smaller operations are "specified land" under *Environmental Protection and Enhancement Act*, operators are required to conserve and reclaim these pits. They must also follow the *Environmental Protection Guidelines for Pits* and all components of the *Water Act*.





Reclamation

The goal of reclamation is to bring land back to “equivalent land capability,” which refers to the ability of the land to support uses similar to before it was developed. All sand and gravel pits on private land – regardless of their size or class – are required to abide by the Conservation and Reclamation Regulation and require a Reclamation Certificate from Alberta Environment and Parks (AEP). It is important to understand that although the operator has a legislated obligation to reclaim, there is no specific time-frame in which this must occur. You should check with your municipality to find out if they have additional criteria on reclamation timing.

Class I will have a planned reclamation detailed in the activities plan for the site. The operator of a Class I pit must provide a report to AEP every 5 years to provide an overview on the status of the pit. Under the Code of Practice for Pits, a reclamation security must be submitted to AEP as a financial deposit to finalize an application for a Class I pit. Security is not collected by AEP for a Class II pit. The amount of the security is based on the estimated cost of future reclamation. The amount determined by AEP will be held in the event that insolvency prevents the operator from reclaiming the land. The amount could also be forfeited if the operator refuses to comply with an Emergency Protection Order or Environmental Protection Order from AEP. Once a Reclamation Certificate is issued, any remaining security is returned to the operator.

Requirements for Class II pits are included in the Environmental Protection Guidelines for Pits, which describe reclamation targets and promote progressive reclamation. Operators of Class II pits are not required to follow the Code of Practice for Pits, but are still required to obtain a Reclamation Certificate. To support reclamation success, operators of Class II pits are strongly encouraged to pre-plan the reclamation intended at the end of the life of the pit.

Additional requirements concerning reclamation may be established at the municipal level. On public lands, reclamation planning is done in consultation with AEP’s Lands Officers.

Reclamation is based on final land use in discussion with the owner of the land in the planning stages. An understanding of the pre-construction condition of the land will form a valuable baseline for the final reclamation. Where these conditions are not known, off-site conditions are used as the target. The Code of Practice for Pits clarifies that topsoil, subsoil and overburden must be stockpiled for reclamation (using other materials requires permission from AEP). The owner of the land may ask for a copy of the application submitted in order to obtain more details about the initial soil assessment conducted and final reclamation plans.

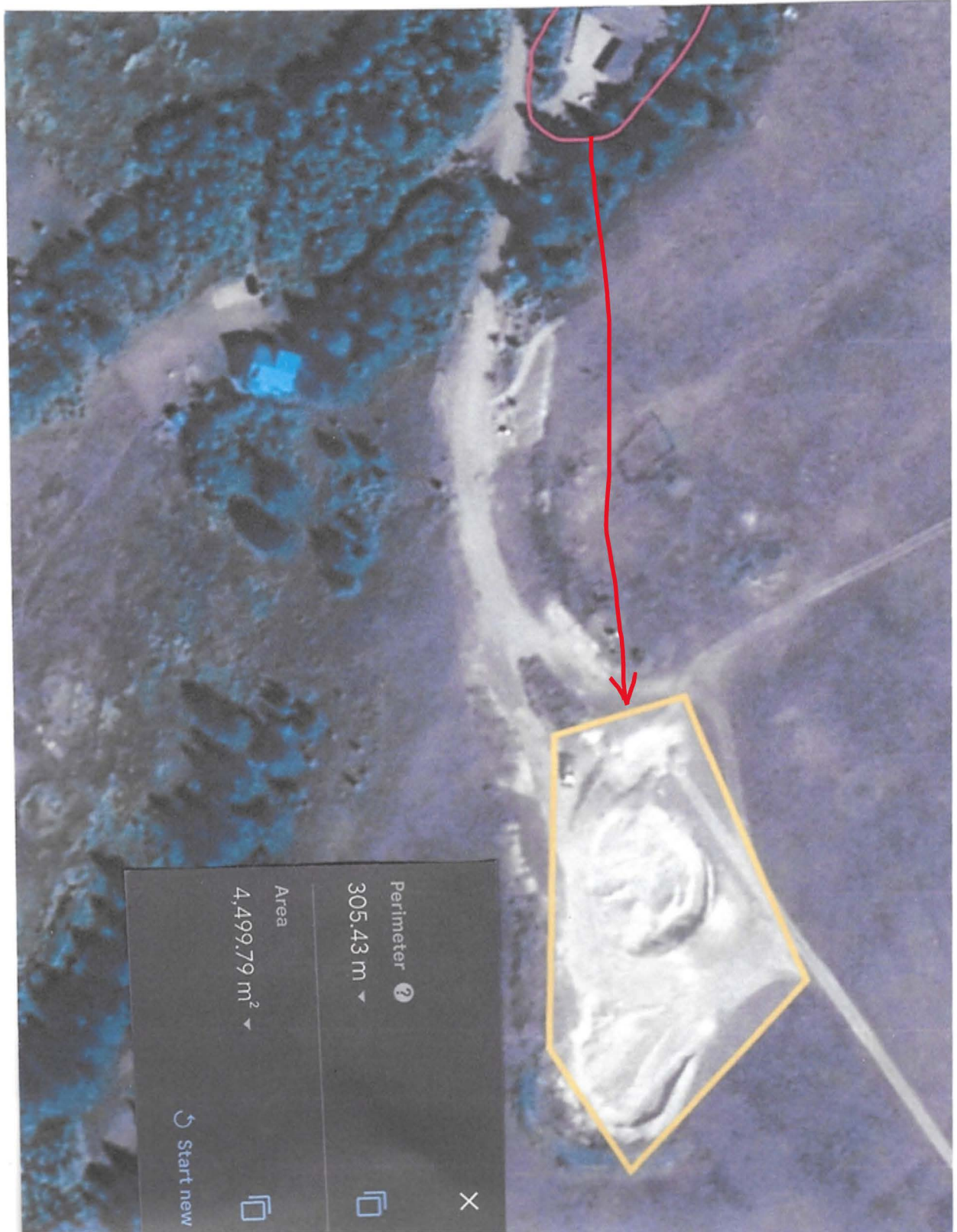
As with oil and gas reclamation, a landowner may wish to retain some surface improvements from the pit operations, such as access roads. To do so, the landowner will need to supply a written consent at the time when the application for the Reclamation Certificate is made. Some surface improvements that remain in place may need authorization from the municipality as well.

Good planning in the initial planning stages could help limit the final burden of conservation and reclamation later on in a pit operation. The best practice within the sector is to reclaim progressively throughout the life of a project, replacing overburden and topsoil as development stages complete.

Schedule 4 – Photo of residences in proximity to proposed pit



Schedule 5 - Existing Unreclaimed Pit
Distance from residence - Approximately 175 metres



Date: 15 Sept 2022

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: Liam Connelly-Engel

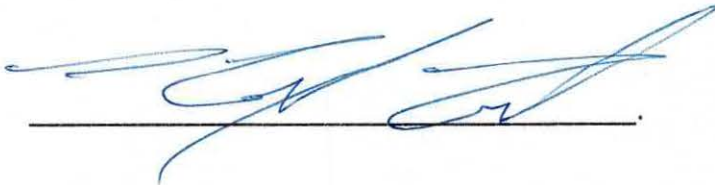
Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:



A handwritten signature in blue ink, appearing to read 'Liam Connelly-Engel', is written over a horizontal line.

FW: Amendment to Bylaw 1289-18

MDInfo <MDInfo@mdpincercreek.ab.ca>

Fri 2022-10-07 3:16 PM

To: Laura McKinnon <AdminDevAsst@mdpincercreek.ab.ca>; Roland Milligan <AdminCAO@mdpincercreek.ab.ca>

I responded to let them know we had the submission.

Jessica McClelland

Executive Assistant

Municipal District of Pincher Creek No. 9

1037 Herron Drive, PO Box 279

Pincher Creek, AB T0K-1W0

Phone: 403-627-3130

Communications@mdpincercreek.ab.ca

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From: Rowena Cromwell <racromwell39@gmail.com>

Sent: October 7, 2022 3:00 PM

To: MDInfo <MDInfo@mdpincercreek.ab.ca>

Subject: Amendment to Bylaw 1289-18

TO: Mr. Roland Milligan, Chief Administrative Office, MD of Pincher Creek
No.9

Members of Council, MD of Pincher Creek No. 9

Dear Mr. Milligan and Members of Council, MD of Pincher Creek No.9;

I am writing in regard to an application to consider Bylaw No. 1342-22, being an amendment to Bylaw No. 1289-18, asking for a change of designation in land use from Agricultural to

Direct Control in order to operate a gravel pit on lot 14, a portion of Section 18. I own property, lot 11 in Section 18, that abuts lot 14. At the time of purchase we were assured it

was a quiet, peaceful, country residential area that had restrictions on business and industry, even including operating such things as a Bed and Breakfast because of possible

disruption to the overall serenity of the area! I feel that the proposed gravel pit operation, whether crushing is on site or not, will create noise from machinery, noise from truck traffic

From:
To: [MDInfo](#)
Subject: Land Use Bylaw Amendment -1342-22 Public Hearing
Date: October 19, 2022 5:04:10 PM

Attention: Roland Milligan

Hi Roland

John Cervo here. I just received the information about Albert Rocks application for another gravel pit. The area of the proposed pit, dust, noise at the pit and the visual implications are not as big of a concern for me. However, I am concerned about the heavy traffic, the truck noise, and safety aspect of pulling out from my three driveways.

I am curious as to gwho will be monitoring the specified working hours, weekend days and pit size if this proposal gets approved.

There are several existing gravel pits close to this proposed pit already.

Thank you for your time.

John Cervo

Sent from my iPad

(even if diverted to Highway 507) scattered or blowing dust from digging, and a general disruption of daily life in the adjacent properties that were purchased with the understanding

they would continue to be situated in the midst of tranquil surroundings.

I also have further Concerns and Questions.

Concern: My drinking water comes from a spring fed system uphill of my property that either originates on, or passes through lot 14. What disruption or contamination or even discontinuation of my drinking water might I need to address in future, if gravel digging equipment is active at the source, or flow, of my drinking water? Can I be certain that I would not have the concern of finding a new source for my drinking water?

Question: If Bylaw No. 1289-18 is changed to a Direct Control Bylaw, could there be a continual, and ongoing, expansion of the gravel pit at the sole discretion of the operator?

I'll certainly appreciate consideration of these concerns and questions as an adjacent landowner when you vote on the Amendment to Land Use Bylaw No. 1289-18 on October 25, 2022.

With Best Regards,

Rowena Cromwell, Lot 11, Section 18

FW: Land Use Bylaw Amendment - 1342-22 Public Hearing

Roland Milligan <AdminCAO@mdpincercreek.ab.ca>

Mon 2022-10-17 8:38 AM

To: Laura McKinnon <AdminDevAsst@mdpincercreek.ab.ca>

 1 attachments (299 KB)

Gravel Pit Letter.pages;

Please add to the Anderson Gravel Pit Bylaw Amendment Public Hearing.

Regards,

Roland Milligan

Chief Administrative Officer

M.D. of Pincher Creek No. 9

Box 279

1037 Herron Avenue

Pincher Creek, AB T0K1W0

Phone: 403-627-3130

Email: AdminCAO@mdpincercreek.ab.ca

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From: Lorna Erickson <lorna.xyz@gmail.com>

Sent: October 16, 2022 4:47 PM

To: Roland Milligan <AdminCAO@mdpincercreek.ab.ca>

Subject: Land Use Bylaw Amendment - 1342-22 Public Hearing

M.D. of Pincher Creek

Re: Land Use Bylaw Amendment - 1342-22 Public Hearing

October 16, 2022

Below is the letter we submitted January 15, 2022

Our concerns about Alberta Rocks developing a gravel pit in our subdivision have not changed and our hope is that the Md of Pincher Creek council can see, as they have twice before, that this is not the place to have a gravel pit and deny this application once again.

Although Alberta Rocks have tried to address the dust and noise we don't believe that the measures they propose to take will be enough to eliminate those issues. We also don't believe that there will only be "an occasional truck" leaving the pit.

January 15, 2020

ATT: Roland Milligan

RE: Application for Amendment to the Land use Bylaw # 1315-19

We are very much opposed to the development of a gravel pit by Alberta Rocks on the above mentioned property.

We have lived in Villa Vega Acres subdivision on Lot #21 for 20+ years. (Lot #9 on the map provided) We purchased our lot in 1997 and built in 1999.

Our main concerns about the development of this gravel pit are the continuous noise, the lowering of our property values, the dust, the environment, our water source and the possibility of future expansion of the pit.

Noise:

The application contains a large amount of information about the noise that the extraction and machinery would make, comparing the noise levels to other various noises that we might be subject to in our daily lives. The difference being that we aren't hearing those other noises continuously from 8am -5pm (or longer) day in and day out. In spite the fact that the noise of the gravel pit might not damage our hearing it will still be very much heard in our subdivision and have a negative effect from just being plain annoying, to lowering our property values. No one would want to purchase a home with all of that noise going on within hearing distance.

We had a previous experience with gravel extraction and screening a few years ago at this proposed pit. We could hear it at our house loud and clear even though it is quite far away.... and we are not the closest house to the site.

Dust:

The dust created by the machinery is also an issue. We can see the dust across highway #3 on Alberta Rocks other operation and the dust goes many feet in the air and settles who knows where? That dust will definitely affect the homes nearest the pit, if not all of us. Even a light breeze will carry dust for a long distance before it settles.

Environment:

The native grasses and flowers on this piece of property are amazing! We have walked across it many times admiring the wildflowers and wildlife. If the pit is allowed all of that will be gone. There is a large heard of Elk that migrate across the very spot that the pit is proposed and they certainly won't cross there anymore. The noise will also keep birds from nesting in their usual places along the ridge.

Water:

Some of the residents in Villa Vega subdivision have drilled wells. We, however, have a surface well in the basement of our home. Although we don't know for sure where our water comes from it most likely seeps down from Lee Lake and there is a possibility that the digging could interfere with that seepage or contaminate our water source.

Expansion:

This application is for 4.9 ha in the farthest corner of the property but what happens when that pit is finished? Alberta Rocks will probably apply for the next 4.9 ha to the west and then the next. The approval of this gravel pit will most likely lead to many years of noise and dust and ground shaking extraction.

We realize that living in the Burmis Lundbreck Corridor does not ensure that developments such as these never happen but we would like to think that the MD of Pincher Creek would discourage new gravel pits within the Corridor parameters simply to preserve an area that they have specifically chosen to protect.

Page 18 of the Burmis Lundbreck Corridor Area Structure Plan

“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.”**

We feel that this gravel pit will definitely erode our “quiet enjoyment” and the quality of outdoor life that we have become so accustomed to, so we would request that the MD of Pincher Creek deny Alberta Rocks application for a gravel pit at this location.

Sincerely,

Duncan & Sandra Gano
36 Villa Vega,

RECEIVED

OCT 11 2022

M.D of Pincher Creek

October 11th, 2022

to MD of Pincher Creek, all Council Members
1037 Herron Ave
Pincher Creek AB, T0K 1W0

Concerning Alberta Rocks – new gravel application – lot 14 within SE 18-7-2-W5

Dear MD of Pincher Creek Council Members

I am writing to you on behalf of myself and my wife Sandra to voice our concerns about Alberta Rocks proposed gravel pit adjacent to the Villa Vega Acres subdivision where we live. Beyond obvious potential disturbances such as blowing dust and fine sediments and noise pollution as well as businesses not being allowed as per our subdivision covenant, we have two areas of major concern specifically: our aquifer and the intersection of Hwy 507 and Hwy 3.

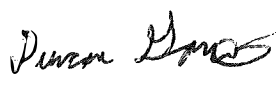

The north facing slope on which nearly all houses are located on within our subdivision has a series of interspersed springs, including a small creek that begins on Mumey's property (Villa Vega Acres 31). Each of the properties has a self sufficient water source completely dependent on the aquifer that seeps through the gravel and sand sediment from Lee Lake. Extracting gravel to a depth of 3.5 metres could irreversibly alter and damage the aquifer we are all dependent on. Our property is located further north than all but one other resident, should the springs and creek be affected by the proposed gravel pit, it is my fear that our property's riparian area (which is dependent on these springs located off our personal property) will be impacted by the proposed gravel pit.

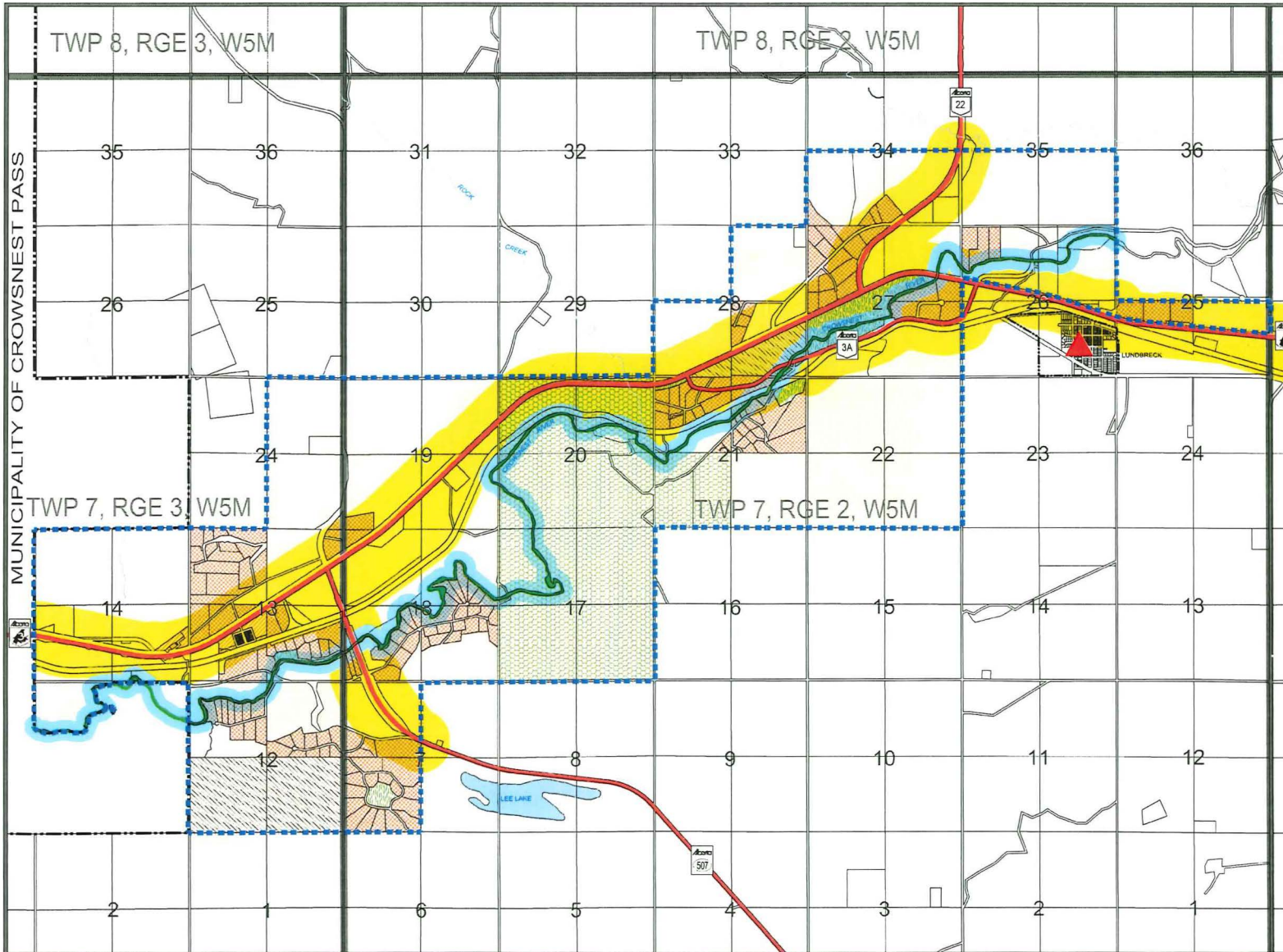
Our other major area of concern is the intersection of Hwy 507 and Hwy 3. During Sandra and my time on the Pincher Creek Emergency Services with Lundbreck fire we responded to MVC's, two of which were at this intersection. With increased traffic on Hwy 3 over the past several years it has become more challenging and dangerous to either cross or merge on to Hwy 3. Adding in slower moving industrial vehicles like gravel trucks will undoubtedly increase the risk for major collision at an already high risk intersection.

Lastly we would like to bring to council's attention the proximity of the proposed gravel pit to the environmentally sensitive area as marked on the MD's map outlined in the bylaws of the Lundbreck Burmis Corridor.

Thank you for taking our concerns into consideration in your decision making progress.

Sincerely,

 
Duncan Gano Sandra Gano



**FIGURE 3
LAND USE**

**BURMIS LUNDBRECK CORRIDOR
AREA STRUCTURE PLAN**

BYLAW No. 1042-00
DATE: SEPTEMBER, 2000
AMENDING BYLAW NO. 1228-12

- LEGEND**
- BURMIS LUNDBRECK CORRIDOR ASP BOUNDARY
 - AGRICULTURE TRANSITIONAL
 - COMMERCIAL NODE
 - COUNTRY RESIDENTIAL
 - CROWSTEST RIVER ENVIRONMENTAL RESERVE SYSTEM
 - DIRECT CONTROL
 - HISTORIC BURMIS SETTLEMENT POLICY AREA
 - ENVIRONMENTALLY SENSITIVE CORRIDOR
 - REC - COMMERCIAL OPEN SPACE
 - RIPARIAN AREA
 - TRANSPORTATION CORRIDOR



PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
FOR THE MUNICIPALITY OF CROWSTEST PASS
"NOT RELIABLE FOR OTHER OR DIVERGENT"

SCALE 1:40000

OLDMAN RIVER REGIONAL SERVICES COMMISSION
12000 120th Street, Edmonton, Alberta T5A 0A6
Tel: 780-443-1111 Fax: 780-443-1112
www.orsc.com

September 12, 2013
By: [Signature] Project Engineer
Approved: [Signature] Chief Executive Officer

To: Municipal District of Pincher Creek No.9

From: Margaret Haag, Joshua Haag and Benjamin Haag

Date: September 15, 2022

Re: Application for Amendment to the Land Use Bylaw
Bylaw No. 1315-19
Within Portion SE 18-7-2

We own #32 Villa Vega Acres (Lot 17) and are submitting a letter in reference to proposed Bylaw No. 1315-19.

First, we are **not** in favour of the proposal to change the designation of this land from agriculture to direct control. Such a change would open the possibilities of this land to be used in a number of ways that are not compatible with its location next to the country residential area of Villa Vega.

Secind, we are **not** in favour of the proposed amendment to allow for the development of a 4.9 ha gravel pit (on Lot 14, Plan 9710740) within the Burmis-Lundbreck Corridor. There has been an on-going struggle to prevent the development of this gravel pit within (Lot 14) what was originally designated as country residential neighbourhood. It would also appear that the development of this gravel pit would go against many of the principles developed within the Burmis-Lundbreck Corridor Area Structure Plan (2013):

- *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.*
- *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.
(see page 8 Burmis-Lundbreck Corridor Area Structure Plan, 2013)*

As outlined in Burmis-Lundbreck Corridor Area Structure Plan, the proposed gravel pit is effectively surrounded by significant and sensitive habitat areas such as Crowsnest River, and Crowsnest Ridges. These areas are designated Environmentally Significant with Provincially Significant major features which include:

- Premium quality trout fishery
- Key ungulate habitat
- Diverse Montane habitats
- Drumlins

- Extensive wetland seepage
- Excellent geological sections
- Well preserved river terraces
- Diverse bird breeding habitat
- Waterfowl production

We purchased this property in 2002 to be closer nature and to enjoy the peaceful and beauty of the Crowsnest Pass area. The purchase agreement included many caveats to protect the development in this neighbourhood. We did not expect to contend with the traffic, dust, noise and potential environmental risks of a surface gravel pit to this valuable area. We are concerned about the effects on the surface geology, water drainage and potential risks to the Crowsnest River (premium trout fishery), potential risks to surface wells used by many of the residents of Villa Vega Acres, and disruption of the wildlife corridor.

Other proposals having to do with the TransAlta transmission lines and Highway corridor development are also have a negative impact on our small community

Most importantly we are also concerned that the development of this gravel pit which is directly adjacent to Lot 13 (owned by Sandra and Randall Baker), will have a profound effect on the quality of life as full-time residents of Villa Vega acres. They would have to endure dust, noise, potential impact on their main water supply (surface well) and potential decrease in their property value.

We understand that there have been unpermitted loads of gravel removed and trucked from Lot 14 to an unknown site in 2014. Complaints were filed with the MD and this activity was stopped. We are hoping the MD will see the negative impact of developing this site on both the residents (human and wildlife) of Villa Vega and the overall habitat within the Burmis Lundbreck Corridor.

Sincerely,

Margaret Haag
Joshua Haag
Benjamin Haag

#32 Villa Vega Acres.

Date: Sept 20 / 2022

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: Theresa Hann / Three Rivers Rentals Ltd.

Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:


_____.

Date: Sept 19 2022

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: Will Hebenik / Quality Excavating

Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

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Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:

Will Hebenik

Date: Oct 8/2022

To: Reeve and Council
Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: JRT CONTRACTING *By T. Horn*

Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

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Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:

T. Horn

Date: Oct 6/22

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: Jura Creek Enterprises Ltd.


Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:



Travis Douglas

Date: OCT 12/22

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: KT Contracting

Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

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Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:

Phil Kachub

October 15, 2022

Subject: Proposed Bylaw 1342-22

My husband and I are informing the MD of Pincher Creek Council that we are strongly opposed to the proposed development of a Class II gravel pit within the Burmis-Lundbreck Corridor and adjacent to the Villa Vega Acres subdivision where we live.

We have several objections for Council to consider regarding changing the zoning from Agriculture to Direct Control:

1. The fact that the application is for 4.9 hectares as opposed to 5 hectares gives one pause for concern. This development would be allowed to proceed without oversight or restrictions from the provincial government, namely Alberta Environment & Parks. By staying below the 5-hectare allotment, this applicant would not suffer any financial repercussions should they violate any laws or requirements.
2. The application refers to the Class I Rinaldi gravel pit reclamation to the west as an example of a gravel pit that has been properly restored. That is completely irrelevant to this application. By proposing a Class II gravel pit, the applicant is not required to pay any type of bond to the MD to ensure reclamation. Moreover, we have serious doubts that the applicant has any intention of reclaiming this site as an old pit to the northwest of the proposed gravel pit and on this same piece of property has yet to be reclaimed after more than two decades. In fact, parts of an old truck have been dumped into it instead. Naturally, invasive plants such as blueweed are also growing rampant in and around this site. We would like to know what the timelines for reclamation for gravel pits are in our MD, and are they within our lifetimes?
3. The application indicates that the “proposed” access to the pit would be the government road allowance to the south. But once they get approval for this operation, what is to stop them from using the road access to the north of their property and through our subdivision? The MD would not be in any position to impose a financial penalty to the applicant if they were to do this.
4. The applicant acknowledges that the pit would be seen from two residences. It will also be seen from other properties. Regardless, why would they assume that it’s okay to affect even two residences? Why does the applicant assume that it would be pleasant for these residents to look at a pile of dirt (berm) and watch and hear gravel trucks driving in and out of this site as well as hear the associated noises within this pit? What affects even one resident, affects us all.
5. Water security is a great concern for our neighbours closest to and downslope of the proposed gravel pit. Have any independent hydrology studies been done to ensure that our neighbours’ drinking water will not be affected by this gravel pit? Is the MD willing

to assume any liability should the gravel pit negatively impact aquifer flow through the area that acreage owners rely on for well water?

6. The application suggests that gravel needs to be brought into the area from long distances. We would like to point out that there are already 4 gravel pits within a 15-kilometre radius of the Villa Vega Acres subdivision, alone. In addition, the MD itself already has a gravel pit with a 50-year supply of aggregate on the Waldron Flats Road only 25 minutes away.
7. The Burmis-Lundbreck Corridor provides important habitat for ungulates such as moose, elk, and deer. The wide level bench the applicant refers to, including the area proposed for the gravel pit, is used by elk in their seasonal migrations. Large carnivores such as black and grizzly bears, as well as cougars use the forested slope immediately adjacent to the proposed gravel pit as a travel corridor. Activities from a gravel pit will disrupt their use of this critical habitat. In addition, the area where the gravel pit is proposed is currently a fairly intact prairie ecosystem with numerous species of native grasses and flowers. An exception to this is the government road right-of-way disturbance that has allowed the invasion of blueweed. Invasive plant species are one of southern Alberta's greatest threats to remaining native habitats and biodiversity. They outcompete native species even in somewhat undisturbed areas. The gravel pit will exacerbate the problem, spreading even more invasives into areas adjacent to the gravel pit. No amount of reclamation under any requirements by the MD will bring back native prairie species to that site.
8. In a survey that the MD conducted just a few years ago with relation to the Burmis-Lundbreck Corridor, it was made quite clear that residents were opposed to more gravel pits being allowed in the area. In that survey, many respondents strongly agreed that developments conducive to tourism should instead be encouraged.
9. If the MD allowed this zoning change to Direct Control, what is to stop this applicant from deciding to crush aggregate on-site? The applicant already has a history of conducting illegal operations on this piece of land, ie: extracting gravel on the Easter long weekend in 2014 when there was no enforcement available from the MD to immediately respond.
10. The residents of Villa Vega Acres bought our properties thinking that Country Residential meant just that, and that there wouldn't be any industrial activity allowed in such close proximity to our properties. We bought in good faith. To change the zoning now sets a bad precedent for future Country Residential zoning within the MD. It boggles the mind that the applicant for re-zoning is in fact the same family that developed Villa Vega Acres in the first place. They developed this residential area and now they feel it's okay to put in a gravel pit right next door.

In conclusion, our quality of life and those of our neighbours will be greatly diminished from the presence of this gravel pit as well as the activities associated with it. It is also imperative that developments in this area do not further degrade the Burmis-Lundbreck Corridor for wildlife species. We cannot oppose this gravel pit application strongly enough.

Sincerely,

Claudette Landry & Randy Axani

18 Villa Vega Acres

MD of Pincher Creek No. 9

Roland Milligan
Chief Administrative Officer
MD of Pincher Creek No. 9
P.O. Box 279
Pincher Creek, Alberta
T0K 1W0

Via email: rmilligan@mdpincercreek.ab.ca

RE: Proposed Land Use Bylaw Amendment - 1342-22

Dear Mr. Milligan,

We would like to state our strong objection to this proposed amendment that would allow a gravel pit in Villa Vega Acres, our Country Residential Area.

The Burmis Lundbreck Corridor Area Structure Plan, MD Bylaw 1228-12 was put in place to protect the area, and a gravel pit is not within this framework.

The Country Residential subdivision of Villa Vega Acres is very close to the proposed gravel pit. Truck noise, back up beepers, vibration, etc. are not compatible with this area. Many of us are retired and are home during the day and it will clearly affect our quality of life. Most of us spend a great deal of time outdoors near our homes as well as walking in the area. It would set a bad precedent for future development of other Country Residential subdivisions in the MD if potential residents knew that a gravel pit or other obtrusive development may be placed near homes that have been established for over 20 years. This would lead to decreased value of the adjoining residential lots and to decreased tax assessments.

Water concerns: The water supply for the homes in Villa Vega Acres comes from underground sources from Lee Lake. Digging could potentially divert the flow and/or effect the ground water. Potential pollution from machinery could enter the underground water and contaminate both our wells and the Crowsnest River. If flow is impacted or interrupted and we lose our water supply the MD would be responsible for correcting this. Water supply for the residential area is sufficient for our needs at this time, but any use for their operations would impact our supply.

Pit Size: They have deliberately chosen a pit size that falls **just** under the limit for a Class 1 pit. This is clearly designed to escape all the Provincial legal requirements for a Class 1 pit. The MD would be responsible to ensure that they do not go over this size. As we understand it, the MD has no ability to fine the operator for failure to comply, and any cost associated with complaints would have to be passed on to taxpayers.

History: The Andersons have been denied their submitted applications in 2005 and 2020, and a 2014 wrongful pit operation was shut down. The noise, and the beeping, from this was very intrusive and significantly louder than any highway sounds that they imply are at an equal level. In conversation with

our neighbours, most are unaware of any highway sounds. They dug gravel in Lot 14 when they were developing Villa Vega Acres in the late 1990s and have not remediated this. There is a large hole with an abandoned truck and tires nearby. They did not remediate the 2014 wrongful pit operation. While, in their application, they have indicated that remediation will be done, there is nothing that the municipality can do to require them to do so if they choose to do nothing. With the history we have with them we do not trust that any remediation will take place. Not being a Class 1 pit they will have no incentive, either financial or otherwise, to remediate.

Other considerations

Environmentally sensitive corridor: The map provided with the Burmis Lundbreck Corridor Area Structure Plan clearly shows that the proposed site is adjacent to an environmentally sensitive corridor. This is a major ungulate migration area. I was walking there in the spring and a large herd of elk was frightened off just by 3 people walking nearby. We have many bears, deer and other animals that would be disturbed by what will be constant noisy activity.

Taxation: The MD gets no benefit from this gravel pit. They get far more tax from Villa Vega residents than from the gravel pit. Indeed, tax revenue may actually go down as there is a possibility that our property values may go down.

Traffic: Many large trucks using Highway 507 and the intersection of Highways 3 and 507 will be problematic. The current traffic, especially during the summer, makes it difficult to turn at this intersection now. The additional slow moving heavy vehicle traffic crossing 507 would make it much worse.

We objected to the applications by Alberta Rocks Ltd. in the past, and we hope we don't have to go through this every two years.

Sincerely,

Richard and Susan McCowan
22 Villa Vega Acres

Ryan and Kayla Menzies

October 18, 2022

M.D. of Pincher Creek No. 9
PO Box 279
Pincher Creek AB T0K 1W0

Attention: Roland Milligan, Chief Administrative Officer

Re: Land Use Bylaw Amendment – 1342-22 Public Hearing

Dear Sir,

As one of the new owners of SW 17-7-2-5, we are in opposition to this proposed re-zoning. We purchased the land with full knowledge of existing conservation easement on the quarter and the Burmis Lundbreck Corridor Area Structure Plan (BLCASP). Our utmost intent and reason for the purchase was for the enjoyment and preservation of environment, including habitat and wildlife. The current and surrounding zoning, along with the BLCASP, allowed us the confidence that the surrounding area would do the same in preserving the amazing ecosystem.

Our reasons against the proposal include but are not limited to the following matters:

- Conservation easement.
- Proximity to our only building site (See schedule 'A'), in accordance with the conservation easement. Reduction in quality of life property value.
- Stock piling
- Dust
- Noise
- Spreading of invasive weeds
- Recommendations and encouragement within BLCASP.
- Effect on wildlife

I kindly request opportunity to speak at the hearing to elaborate on these topics.

Yours very truly,

Ryan and Kayla Menzies

Date: 15/11/2022

To: Reeve and Council
Municipal District of Pincher Creek
Re: Support for Alberta Rocks application for a Land Use
By-Law Amendment
to facilitate a gravel extraction operation.

From:

Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.
Respectfully submitted:



Lucas
Michalsky

RECEIVED

OCT -7 2022

M.D of Pincher Creek

To MD of Pincher Creek

From Glen and Lois Mumey, 31 Villa Vega Acres

re Craig Anderson's proposal for gravel extraction

The Andersons have been good neighbors and we would like to support Craig's proposal. However, we cannot do so at present because of one issue, reclamation.

We are very glad to have the "corridor" with development control and want the MD to maintain it. Any activity in this area should not seriously disturb its natural condition. By this we mean that, in Craig's case, once the gravel is removed, restoration of the site should result in slopes, contours and vegetation that resemble natural surrounding in the local area.

While the proposal promises reclamation, it is seriously inadequate in detail. We certainly would not want to have a rectangular, steep-sided 4.9 hectare hole left, even if it had a sprinkling of topsoil on its floor. We are told that the pit's depth will be 3.5 metres, but we do not know if this is an average or a maximum. (The dimensions given, 200 x 245 x 3.5, multiply to 171,500 cubic metres—the proposed extraction uses the number 214,375 without clarification). We are given no indication of how the land will be reshaped to natural condition. For example, if steep sides are to be avoided, will the sloping be done by digging up more adjacent land or by not removing some of the gravel on the edges of the tract. Where will the material for the humps and swales be sourced? How steep will the slopes be?

There may be a way around this reclamation issue, but it will take serious commitment from Craig and the MD. A 3-phase process may be possible. These phases are:

First, Craig should provide detailed description of his reclamation plans, and demonstrate his capability for restoration of natural condition by re-configuring the areas on his adjoining land where gravel has already been removed.

Second, the MD, with appropriate consultation, should decide whether Craig's detailed plan and demonstration of reclamation justify allowing him to proceed with gravel removal. If the decision is positive, 2.5 hectares, about half the requested area, should be allowed for gravel

mining. This land should then be restored, except for a face left against the remaining 2.45 hectares.

Third, again with appropriate consultation, the MD should evaluate the restoration done on the 2.5 hectares before allowing the remaining 2.45 acres to be mined.

As prudent public policy, Craig should be required to provide absolute assurance that his detailed plans will be fulfilled. This is not a question of trusting Craig; the project is long-term and Craig may not be the owner during all of the project's life. This assurance could be in the form of encumbrance on his adjoining land, a performance bond, and/or other legal means of guaranteeing that when all is done, the land will be in harmony with our area's natural conditions.

We also offer some additional suggestions.

Landowners near the proposed road should be consulted about any benefits or costs that might result for them.

While it seems like the gravel pit's location would make it unlikely to affect household wells in the Villa Vega area, a professional opinion on this would provide greater assurance.

Date: Sept, 15, 2022

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: Brandon Naumczyk

Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:

B. Naumczyk

Date: Sept 15, 2022

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: Jana Naumczyk.

Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:

J. Naumczyk.

Date: 007.12/22

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: BILL OGERTSCHNIG - MOHAWK EXCAVATING

Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:

Bill Ogertschmig

Leo Reedyk
15 Villa Vega Acres

October 17, 2022

Roland Milligan, CAO
MD of Pincher Creek No. 9
Box 271 Pincher Creek, AB T0K 1W0

Re: Bylaw No. 1342-22 Public Hearing

Please accept this letter as my submission to Council for the Public Hearing associated with Bylaw No. 1342-22. In addition to the letter, please allow for me to speak directly to Council at the hearing.

My wife Ruth and I would like to bring forward a few factors for Council to consider when deliberating on their decision. They are:

- Lot 14; Plan 9710740, a Country Residential lot, was created when the Villa Vega Subdivision, Phase 2 was registered on March 1, 2002. The remainder of the quarter is a lot adjacent to the Crowsnest River.
- Although the lot is currently zoned agriculture, so was ours until we developed our home.
- Page 1 of Attachment # 2 indicates letters of support are attached when none were.
- Page 1 of the application indicates our residence approximately 700 meters west of the pit will be blocked from viewing the pit by properly placed well vegetated berms.
 - Although we feel there may not be sufficient topsoil to create a berm large enough, we are also concerned that noxious weeds on the site will thrive on the disturbed areas including stockpiles.
 - If the berms are large enough to block our view, the access route proposed will provide us a view and dust from trucks traveling from Highway 507 to the corner of our property and then east to the pit. This is probably more obtrusive to us than the pit operations. Preferable access is straight south on the statutory road allowance to Highway 507 as this route requires a similar amount of new road be built and routes pit traffic away from our country residential site.
- Page 2 of the application indicates they would pay royalties. We are unaware of any royalties payable on this type of pit operation.
- Page 2 of the application once again speaks of the berms of topsoil, has the site been surveyed for Rough Fescue, noxious weeds? We would recommend that any

new pit developed in the municipality be required to meet the MD's weed free gravel policy.

- Page 2 of the application speaks to Codes of practice for gravel pit operations of this size. The size of the pit at 4.9 Hectares is 0.1 hectares smaller than the Alberta Environment Code of Practice would manage. A decision to allow a pit on a Direct Control parcel without Alberta Environment oversight is not a responsible development. It opens Council to liabilities it would otherwise not have if the pit was 0.1 Hectares larger.

As is apparent from the above noted items, the application for a gravel pit on an adjacent country residential lot is not a preferred option for us. Two previous Councils have denied two previous applications for gravel pit operations on the same property. There currently is a pit on the site that was abandoned following a stop work order from the MD. It is an eye sore, a bed for weeds, location of derelict vehicles and remains unreclaimed. No reclamation plan has been forwarded for the site and the reclamation plan included in the application for rezoning is extremely weak.

To minimize Councils liability, we would recommend all new gravel pits in the Municipal District be large enough to be managed by Alberta Environment as they have the resources and expertise to manage pits. Although this Public Hearing is on the application to change the land use designation from Agriculture – A to Direct Control, the ultimate use described in the application is for a gravel pit. The application puts numerous obligations on Council including monitoring time of use, retail sales, dust control and any other conditions Council may put on their permit. Who will monitor this? Why would Alberta Rocks take pit run to their existing site, dump it and reload it to haul it south on Highway 507 as indicated in the application.

Because the gravel is proposed to be hauled to the current Alberta Rocks site north of Highway 3, additional congestion at an already congested intersection will be exacerbated until such time as an interchange can be constructed.

Given this information we feel that Council has enough information to deny the application as presented.

Sincerely,


Leo Reedyk


Ruth Skene-Reedyk

Date: October 18, 2022

To: Reeve and Council
Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment to facilitate a gravel extraction operation.

From: Randy Rinaldi

Reeve and Council:

I am writing in support of the development of Anderson's new gravel pit. As an adjacent land owner, a previous gravel pit and business owner in the area I believe it is essential for the community. Allowing this gravel pit to move forward can potentially bring more jobs in a community that lacks employment opportunities.

Our area seems to be developing rapidly with new homes going up all around us. Where did everyone of these homes that were built get material from for building the new homes? If you support road improvements and development, affordable housing, then you must support sand and gravel!

Alberta Rocks, I am sure will do what is necessary to mitigate dust and traffic along with any other concerns.

Thomas Penner

October 18, 2022

M.D. of Pincher Creek No. 9
PO Box 279
Pincher Creek AB T0K 1W0

Attention: Roland Milligan, Chief Administrative Officer

Re: Land Use Bylaw Amendment – 1342-22 Public Hearing

Dear Sir,

As one of the new owners of SW 17-7-2-5, we are in opposition to this proposed re-zoning. We purchased the land with full knowledge of existing conservation easement on the quarter and the Burmis Lundbreck Corridor Area Structure Plan (BLCASP). Our utmost intent and reason for the purchase was for the enjoyment and preservation of environment, including habitat and wildlife. The current and surrounding zoning, along with the BLCASP, allowed us the confidence that the surrounding area would do the same in preserving the amazing ecosystem.

Our reasons against the proposal include but are not limited to the following matters:

- Directly adjacent to conservation easement.
- Proximity to our only building site (See schedule 'A'), in accordance with the conservation easement.
- Reduction in quality of life and property value.
- Stock piling
- Dust
- Noise
- Spreading of invasive weeds
- Recommendations and encouragements within BLCASP.
- Effect on wildlife

I kindly request opportunity to speak at the hearing to elaborate on these topics.

Yours very truly,



Thomas Penner, P.Eng.

SCHEDULE 'A'

72

Single building envelope that was reserved in conservation easement

138 meters (453 feet)



Gravel pit re-zoning SE18-7-2-5

thomas@bokamura.com <>

Mon 2022-09-12 4:57 PM

To: Roland Milligan <AdminCAO@mdpincercreek.ab.ca>

Cc: Laura McKinnon <AdminDevAsst@mdpincercreek.ab.ca>; rmenzies14@hotmail.com
<rmenzies14@hotmail.com>

 1 attachments (1 MB)

inst 211104508 - W17 amendment to 101359997.pdf;

Good afternoon Mr. Milligan,

Further to the agenda and the re-zoning application for a proposed gravel extraction within SE18-7-2-5. I would like to bring to Council's attention that, as the new owners of SW17-7-2-5, our only building site (page 7 on the attached document) is directly adjacent to the land in question and in very close proximity to the potential gravel extraction site. The location of the proposed pit is the biggest concern for us as new owners of the adjacent lands. We purchased the land with the current zoning and this potential amendment will reduce the quality of living when we build at that location and reduce the value of our land.

Please feel free to call if you have any questions.

Thank you

Thomas Penner



To whom it may concern

Sage Management Ltd. (Sage) is in full support of Alberta Rocks opening a gravel pit for extraction and crushing of rock. Sage has been in the aggregate business for over 50 years and worked tirelessly for many counties, farmers, and other land owners across Alberta to maintain the highest standards during that time. During its extensive life as a business, it has come across many unique situations in the extraction and crushing of aggregates. Some of which were in the middle of the city of Calgary with apartment buildings only a stone's throw away from our equipment. The City of Calgary has very strict requirements when it comes to dust, water, and reclamation of pits. Many people not of this industry have many of the same concerns and rightfully so as they do not have the opportunities to work near these areas.

Therefore, Sage would like to address a few of these concerns which were brought up against Alberta Rock's attempt to open a pit for crushing and/or extraction of aggregates. First, the dust. Many things can be done to reduce dust drastically. Putting water/calcium on the road or even a milled asphalt layer would help dust with traffic. A border of trees along the edge of their property would help any escaping dust and help as a noise barrier. As Sage crushed rock in downtown Calgary, it never received one complaint about dust after operations began as all the proper measures were taken. Sage believes that Alberta Rocks would be able to create such an environment with some of its consultation.

Additionally, reclamation is always a concern. Alberta environment often takes pictures and digs tests holes showing proper amounts top soil and sub-soil that need to be replaced after the extraction of aggregates and has very strict standards in terms of slope in order to ensure that proper reclamation is done and holds Alberta Rocks accountable until it is done properly. Therefore, I don't think anybody should be concerned about how the reclamation of the property will be done as there is a government agency assuring it gets done right.

Finally, in some areas, water is a big concern as rural residents may use water wells. Both Sage and Alberta Rocks have extracted a lot of gravel and it is necessary to always stay above the equipment. As part of Sage's "Extraction Code for Environment" its employees must always remain above the water table plus leave some extra aggregate on top to ensure that its equipment does not sink into water by accident. Sage believes that Alberta Rocks would be willing to adhere by those same standards.

In conclusion Alberta Rocks is a well-managed company who have been in the M.D. for years and have always treated its customers and the M.D. with great respect and would be the perfect group of people to open a new area to help expand their company and provide greater opportunity for workers and other companies such as ourselves in the area.

Sincerely,



Jared Malin

Director of Operations

Date: October 19, 2022

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: Southwest Concrete Products Ltd.

Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:



Josh Malin



Sept 15, 2022

To Whom it May Concern:

RE: ALBERTA ROCKS GRAVEL PIT

TIG Contracting Ltd. is a primary road building company located in Crowsnest Pass, Alberta.

TIG currently employs 5-10 employees along with a minimum of 5 subcontractors yearly.

If TIG were to lose access to the Alberta Rocks pit it would seriously impact and jeopardize our business.

Should you wish to speak further on this matter please feel free to call Don at 403-582-0192.

Thank you.

Don Forsyth

TIG Contracting Ltd.

Attention:

MD of Pincher Creek No. 9 in the Province of Alberta:

We (Greg and Lori Townsend at #30 Villa Vega Acres), on October 17th, 2022 are submitting a letter in reference to the proposed land use bylaw change: Bylaw No. 1342-22.

We are NOT in favour of the proposed amendment to change the land use designation from Agricultural to Direct Control, to allow for the development of a 12.1 acre (4.9ha) Class II pit on private land within the environmentally sensitive and important Burmis-Lundbreck Corridor (Bylaw 1342-22 Land Use).

A) On its face, the Class II gravel pit proposal should be rejected, as it puts the Municipality and tax payers, in a position of unnecessary liability. To avoid potential catastrophic liability to tax payers, only Class I pits should be considered by the MD of Pincher Creek. A Class I pit puts all liability concerns onto the developer and the Provincial Government, leaving the MD out of the liability concerns. This conservative approach by the MD would also avoid cumulative effects concerns as well as unintended and unforeseen consequences that result from the approval of Class II pits.

Of special concern with this “new” Class II gravel pit proposal, there will be a substantial increase in traffic at the Highway 3 and Highway 507 intersection. It is well known that this intersection is the most dangerous crossing in the MD of Pincher Creek. Adding a continuous flow of gravel trucks at this crossing, will make the traffic situation worse and more dangerous. I can imagine there will be liability issues for the MD of Pincher Creek, if and when collisions occur at this intersection. Consequently, the MD should reject this proposal as a matter of public safety.

Given this land use proposal is effectively the same as the rejected gravel pit proposal from about two years ago by the same applicant, I question the efficacy of the re-application process. The MD’s policy of allowing a rejected proposal to be re-submitted after one year, creates confusion and mistrust. If a proposal is rejected by the MD, it is expected the rejection was based on policy, facts, and evidence. However, the re-application process suggests the application evaluation process is not based on policy, facts and evidence, and instead, a proposal evaluation is based on friends, favors, and influence.

B) To comply with the Historical Resources Act (<https://open.alberta.ca/publications/h09>), is the MD prepared to monitor site excavation at the proposed gravel pit? I clearly recall the Historical Resources Act being exercised when excavation was conducted for my house construction.

“Under The Government of Alberta’s Policy on Consultation with First Nations on Land and Resource Management, 2013 Alberta has created the Aboriginal Consultation Office (ACO). The ACO oversees Alberta’s role in consultation. Requirements for consultation under the Historical Resources Act (HRA) will still be managed by Alberta Culture and Status of Women. Proponents and agents may need to contact Alberta Culture and Status of Women as part of the approval processes required by the Government of Alberta prior to the onset of development activities.”

“If a historic resource is found during the course of a development project, developers are required to report the site to the Heritage Division of Alberta Culture and Status of Women. The form below can be used to assist in the recording of traditional use sites of a historic resource nature, for the purposes of protection and preservation under the Historical Resources Act.”

<https://cfr.forms.gov.ab.ca/Form/HRMB12786>

C) *Myotis lucifugus* (Little Brown Bat) is designated as endangered in Canada, as part of the Species at Risk Act. In 2015, a recovery strategy was proposed [Recovery Strategy for Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), and Tri-colored Bat (*Perimyotis subflavus*)] in Canada:

“The recovery strategy sets the strategic direction to arrest or reverse the decline of the species, including identification of critical habitat ...”

“For critical habitat located on non-federal lands, if the Minister of the Environment forms the opinion that any portion of critical Recovery Strategy for Little Brown Myotis, ... 2015 ii habitat is not protected by provisions in or measures under SARA or other Acts of Parliament, and not effectively protected by the laws of the province or territory, SARA requires that the Minister recommend that the Governor in Council make an order to extend the prohibition against destruction of critical habitat to that portion.”

“The discretion to protect critical habitat on non-federal lands that is not otherwise protected rests with the Governor in Council.” (all quotes on page i)

I know as a verifiable fact, I’ve had *Myotis lucifugus*, for at least the last three consecutive years, on my property. I collected guano and had it analyzed by Alberta Environment and Parks. I have two near neighbours, in Villa Vega Acres, with verified confirmation of *Myotis lucifugus* on their property as well.

It is critical that the MD reject the proposed gravel pit and support the Species at Risk Act proposed recovery strategy for *Myotis lucifugus* (Recovery Strategy for Little Brown Myotis (*Myotis lucifugus*), Northern Myotis (*Myotis septentrionalis*), and Tri-colored Bat (*Perimyotis subflavus*), 2015).

D) The Short-eared Owl (*Asio flammeus*) was designated threatened in May 2021. Presently, there are only about 640 adults remaining in Alberta which is 10% of the previous estimate. The availability of rodent prey is a main factor potentially limiting Short-eared Owl numbers. (Short-eared Owl (*Asio flammeus*): COSEWIC assessment and status report 2021)

On my property, over the past few years, I have observed and photographed, as well as recorded vocalizations of *Asio flammeus*. On one occasion, I watched for about 15 minutes, a mother Short-eared Owl supervise her owlet eating prey.

It is critical that the MD reject the proposed gravel pit to conform to the COSEWIC (2021) recommendations that Short-eared Owl and their prey habitat be protected.

E) It is crucial there is an investigation into the distribution of Rough Fescue on the proposed gravel pit site because fescue grasslands are one of the most at-risk ecosystems on the planet (Nature Conservancy Canada August 23, 2022). Alberta's provincial grass, rough fescue is very sensitive to disturbances. These endangered plants are frequently outcompeted by introduced plant species and slow to regenerate. Consequently, Rough Fescue are a priority for conservation (Nature Conservancy Canada August 23, 2022).

Three species or subspecies of rough fescue occur in Canada; however, Alberta is the only province in which all three species occur, and their distribution probably reflects the pattern of colonization following deglaciation (https://www.albertapcf.org/rsu_docs/rough-fescue-background.pdf).

If Rough Fescue is identified by an investigation on the proposed Class II pit location, all present and future development must be rejected for that site.

F) Concurrent to the liability concerns as well as threatened and endangered wildlife concerns, there are numerous examples of the proposal's direct contradiction to several salient points highlighted in the Burmis-Lundbreck Corridor Area Structure Plan (2013) including:

- *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.*
- *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.**(see page 8 Burmis-Lundbreck Corridor Area Structure Plan, 2013)*

Moreover, as outlined in the Burmis-Lundbreck Corridor Area Structure Plan and identified by the Province of Alberta as a Key Wildlife and Biodiversity Zone, the proposed Class II gravel pit is effectively surrounded by significant and sensitive habitat areas. These areas are designated Environmentally Significant with Provincially Significant major features which include:

- Premium quality trout fishery
- Key ungulate habitat
- Ungulate corridor
- Limber Pine Range
- Diverse Montane habitats
- Drumlins
- Extensive wetland seepage
- Excellent geological sections
- Well preserved river terraces
- Diverse bird breeding habitat
- Waterfowl production

Development in this area will fragment and degrade these valued environmental characteristics, and is contrary to maintaining habitat integrity; a major objective of the Burmis-Lundbreck Corridor Area Structure Plan and the Key Wildlife Biodiversity Zone. As each new project is allowed in, or adjacent to, this critical habitat, the negative cumulative effects will make a healthy, natural environment unsustainable and is clearly in contradiction to multiple objectives including:

- *To identify and promote the retention of the area's natural attributes, aesthetics and features by developing locational and environmental policies which sustain the natural environment.*
- *To protect environmentally significant and historic resource areas (as identified in "Environmentally Significant Areas in the Oldman River Region, Municipal District of Pincher Creek" -February 1987) within the Plan Area by identifying these areas and limiting the intensity of subdivision and development in the vicinity.*

Clearly, the proposed gravel pit contravenes the spirit and some of the overarching objectives of the Burmis-Lundbreck Corridor Area Structure Plan and Alberta's Key Wildlife Diversity Zone. As residents that will experience direct impacts, we have several other concerns as well.

1) Villa Vega Acres is presently experiencing significant pressure from developments that are literally surrounding our little community. For three of these projects, two proposed highway interchanges (Highways 507 and 3 as well as Highways 3 and 22) and a route location for the TransAlta transmission line. The Burmis-Lundbreck Corridor is also assaulted by these developments, but Villa Vega Acres is intimately impacted, as this community is encircled by the proposed Highway interchanges, the transmission line project, and now by the proposed fifth gravel pit development.

2) Residential properties were purchased in this area, in part, to be closer to natural habitat and to enjoy the peaceful sights and sounds associated with this special, “protected” Burmis-Lundbreck Corridor. The sights, sounds, and dust associated with a gravel pit are contrary to relaxation and enjoyment of nature, and instead erode the quiet pleasure of this residential development.

In the application for this Class II gravel pit, Alberta Rocks Ltd. admitted residents of Villa Vega already endure noise from “highway (507 & 3) traffic, lawn mowers, chain saws, high winds and trains regularly passing through on CPR mainline”. This astute observation by Alberta Rocks Ltd. supports our assertion that the cumulative noise after adding the din from an operational gravel pit, will be unbearable. Therefore, for this reason alone, the MD of Pincher Creek should reject the Alberta Rocks Ltd. proposed amendment to change the land use designation from Agricultural to Direct Control, to allow for the development of a 12.1 acre (4.9ha) Class II pit on private land within the Burmis-Lundbreck Corridor (Bylaw #1342-22).

3) The proposed gravel pit location is tight to the west boundary of the Environmentally Sensitive Corridor (see Burmis-Lundbreck Corridor Area Structure Plan, Figure 3). Animals are not bound by lines on a map, and will wander outside those proposed lines to find suitable habitat. With the proposed gravel pit so close to an identified environmentally sensitive corridor, there is no buffer zone between the sights, sounds and dust production of the proposed gravel pit, and an ungulate’s basic need to find food, shelter, and mates.

4) To access gravel, the surface vegetation and top soil must be removed. Apart from the topsoil being home for many organisms in a balanced ecosystem, one of the many advantages of intact vegetation and top soil is that associated surface water is conditioned and flow is buffered as it enters the subsurface gravel beds. Once removed, dirty water and any uncontained petroleum spills could easily enter the drainage system.

Given the character of the near surface aquifer geology in this area, most household freshwater wells in Villa Vega Acres are near surface (less than 2.5 m depth). As a result, there is a serious concern that household fresh water wells could be contaminated by an unintentional spill of contaminants associated with heavy equipment operation (including synthetic and natural engine oils, hydraulic fluid, coolant, brake fluid, transmission fluid, gasoline, and diesel fuel). Furthermore, because the freshwater aquifer supplying the residential wells is shallow, pit excavation may divert or diminish freshwater discharge. I can easily see how the MD of Pincher Creek will be held liable for allowing the Class II pit to proceed without determining the effects on downslope, residential freshwater wells.

Additionally, drainage from this site will go through residential property, and ultimately into a premium quality trout fishery: the Crowsnest River. The proposed site is a very short distance from some residential wells, and only a few hundred, downslope meters from the ecologically diverse and highly sensitive riparian zone that buffers and protects the world class trout fishery in the Crowsnest River. This type of concern is clearly stated in the Burmis-Lundbreck Corridor Area Structure Plan (page 17):

- *The Crowsnest River is a major drainage course in the Plan Area and is considered to be a significant trout fishery and tributary to the Oldman River basin. Maintenance of the water quality of the Crowsnest River and the land adjacent to the River is a high priority.*

Obviously, the MD of Pincher Creek will experience a gigantic increase in liability, if the approval of this Class II pit results in degradation of water quality in the Crowsnest River. At minimum, Alberta Environment and Parks, Federal Fisheries, and downstream stakeholders will demand action, regardless the cost. This is yet another reason for the MD of Pincher Creek to reject the Alberta Rocks Ltd. proposed amendment to change the land use designation from Agricultural to Direct Control, to allow for the development of a 12.1 acre (4.9ha) Class II pit on private land within the Burmis-Lundbreck Corridor (Bylaw #1342-22).

5) By design, gravel extraction generates copious amounts of dust at every step. Loaders and backhoes dig into the ground releasing fines into the air. Loaders then load the gravel onto trucks for transport, again releasing fines into the air. The trucks then travel along a gravel road crushing the road gravel thereby releasing ultra-fine dust into the air. Anyone that has driven on gravel roads understands the extent of the problems associated with ultra-fine road dust.

As a result of experience, I can state with confidence that the prevailing west wind at the proposed location, can be extreme. Therefore, ultra-fine material will easily be distributed downwind, ultimately settling, much like drifted snow, in the trees and valleys to the east. Over time, fines settling in the trees will change soil composition and chemistry, thereby adversely effecting native plant species and the surrounding ecosystem. The fines drifted in the valleys can easily be carried the short distance down slope to the Crowsnest River. Sediment loading in the Crowsnest River will ultimately fill interstitial spaces, thus changing aquatic insect populations and reduce aeration for spawning locations (redds). A loss of critical spawning habitat will harm fish populations in this world class trout fishery, and will ultimately reduce income for those associated with guided and recreational angling. Another reason for the MD of Pincher Creek to reject the Alberta Rocks Ltd. proposed amendment to change the land use designation from Agricultural to Direct Control, to allow for the development of a 12.1 acre (4.9ha) Class II pit on private land within the Burmis-Lundbreck Corridor (Bylaw #1342-22).

6) The purpose of Burmis-Lundbreck Corridor Area Structure Plan or any ecosystem scale initiative, is to ensure long-term stability for our common and valued, natural habitat that is being continuously degraded and fragmented. At the publication of the Burmis-Lundbreck Corridor Area Structure Plan (2013), there were already 9 active and recently abandoned gravel pits within the corridor boundary. By accepting the aforementioned goals of the Burmis-Lundbreck Corridor Area Structure Plan, it is unreasonable that our concerns about sensitive and protected habitat should be sacrificed for more gravel extraction. Furthermore, the Province of Alberta has copious numbers of potential locations for sand and gravel extraction, as can be conceptualized on the University of Alberta Earth Sciences Department sand and gravel map:

WHERE TO FIND SAND AND GRAVEL



<https://www.ualberta.ca/earth-sciences/facilities/collections-and-museums/minerals-of-alberta/sand-and-gravel.html>

The issues and concerns we have outlined here, in part, are replete with reasons for the MD of Pincher Creek to reject, as we do, the proposed Class II gravel pit (Bylaw 1342-22) **or** any similar project.

Respectfully,

Greg and Lori Townsend
#30 Villa Vega Acres

Date: 10/6/2022

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: Two Feathers Contracting


Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:



Al Degler

Date: October 19, 2022

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

From: Jammie MacDermott, Vicary Resources Inc.

Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:


_____.

October 7, 2022

To the MD of Pincher Creek No. 9;

Re: Proposed Public Hearing amendment to Land-Use-By-Law 1342-22, MD of Pincher Creek No. 9

Please consider this letter as our formal objection to the proposed amendment to land use submitted by Alberta Rocks Ltd., October 2022 which directly affects the residents of the Villa Vega subdivision, Burmis.

Our specific and general concerns derive from perceived misinformation or a lack of information and uninformed considerations as outlined by Alberta Rocks Ltd. in their application represented to the MD of Pincher Creek. While Alberta Rock's proposal claims to be addressing specific issues raised at the public hearing held January 28, 2020, and regarding their previous application (which was denied), most of the objections made by the residents of the East Burmis subdivision, Villa Vega Acres, we feel, have still not been adequately addressed or have been ignored entirely.

Pointedly, there is considerable ambiguity with regards to the parameters of the site excavation pit size, which is indicated in the Alberta Rock's proposal as designed specifically to escape regulation of Class 1 pit operations by the province of Alberta. As a Class 2 pit designation, which falls dangerously short of the minimum pit size of a Class 1 pit, we would like clarification from the MD of Pincher Creek as to what will happen if this proposed pit is enlarged to a Class 1, and who, specifically is responsible for monitoring this event in terms of inspection, enforcement and liability—the MD or the province?; and what changes to this proposed amendment will being a Class 1 pit mean for the residents of Villa Vega? Either way, we have major concerns regarding the enforcement of codes of practice regarding reclamation, the expected duration of operations, future expansion and responsibility and regulatory requirements.

Further, Alberta Rock's addressing of noise issues relating to gravel pit operations are misleading and ambiguous (referring to their noise effect study) as are their suggestions for restricting dust caused through operations and hauling.

As the MD is aware of, this parcel of land proposed for redevelopment as a gravel pit runs directly parallel to the Burmis Lundbreck Corridor which has been identified as an environmentally sensitive area for ungulate habitat and migration, as well as, the probable site of protected fescue grassland. Just wondering what studies have or should be done to protect environmental concerns. It is our understanding that one of the objectives of the Burmis Lundbreck Corridor Area Structure Plan (established in the 1980's and amended in 2012) is to limit industrial use. The Direct Control process allowing gravel extraction to adjacent land, we feel, contravenes the purpose and vision of this environmental conservation objective and is a major concern for us. Given that the vision of "The Burmis Lundbreck Corridor area structure plan will strive to achieve an appropriate balance between community growth, a variety of lifestyles, and the natural features that promote visual, historical, cultural and environmental harmony," perhaps an environmental assessment would be prudent to avoid confrontation or liability?

Relating to this on a more personal note, since building our home here in Villa Vega in 2005, we have spent countless of hours walking and exploring the myriad of trails, fields, river pathways and road allowances near our home and the immediate surrounding area. We came here for the natural beauty and isolation this area offers and can attest to the abundance of wildlife with whom we coexist—deer, bear, cougars, moose, elk, coyotes, fox, beaver, otters, turkeys, and, yes, even skunks and bats! We are, thus, also gravely concerned for the effects that the noise, dust, traffic and disruption of a gravel pit, which would prospectively be situated right in the midst of the migratory habits of these animals as they move between the river and the forest. The parameters of the effects of a gravel pit are far reaching and all aspects of concerns need to be addressed thoroughly and comprehensively. This is not a simple disagreement between industry and a residential community.

While all of these concerns relating to this proposed gravel pit development are substantial and unique, the two most important personal issues for us involves uninformed considerations relating to gravel truck traffic and water. Specifically, the number of loads that will be removed each day which will directly correlate to the number of trucks entering and leaving Hwy 507, the potential for trucks using TWSP Road 7-2 (which runs directly past our property) and, especially, our safety concerns of truck traffic crossing the already identified as potentially dangerous intersection of Hwys 3 and 507. This intersection, we believe, should be of a particular safety and liability concern for the MD of Pincher Creek, especially given the increasing traffic along this section of highway over the years.

When we purchased our land in 2004 (coincidentally from Vince Anderson), we built a house with the intention of retiring in this residential area. We now live here mostly full time. The terms of our original purchase included a full serviced lot with water. As with all of the residents of the Villa Vega subdivision, we were provided with a cistern water system derived primarily from groundwater which originates from Lee Lake and underground springs which run directly under the proposed Alberta Rocks gravel pit area plan. After reading Alberta Rock's proposal, there does not seem to be any due diligence given regarding aquifer and groundwater considerations under the provincial Water Act. This is more than just a minor concern as contamination, disruption or damage caused by the proposed gravel pit will directly affect each and every current homeowner and prospective homeowners in this subdivision. We strongly urge the MD of Pincher Creek to request a comprehensive geotechnical evaluation of aquifer and groundwater be completed before even considering making any land use amendments in this area. And, as stated in the Burmis Lundbreck Corridor Structure Plan, "water supply... is one of the most important considerations in terms of both quality and quantity of the resource." We believe that this gravel pit could endanger both of these aspects for the immediate and surrounding community.

For all of the above reasons, we strongly urge the MD of Pincher Creek to NOT approve the application made by Alberta Rock's proposed amendment to Land-Use-By-Law 1315-~~19~~, MD of Pincher Creek No. 9.

Thank you for your consideration.

Sincerely,

Kevin and Sandy Watson

(Lot 28, Villa Vega Acres)

October 19, 2022

To: Reeve and Council

Municipal District of Pincher Creek

Re: Support for Alberta Rocks application for a Land Use By-Law Amendment
to facilitate a gravel extraction operation.

Reeve and Council:

We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unintrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.

Respectfully submitted:

Lucas Weatherbee

October 17, 2022

We the undersigned, respectfully request that the MD of Pincher Creek No. 9:

- reject the proposed public hearing amendment to Land-Use-By-Law 1342-22, as submitted by Alberta Rocks Ltd., September 2022, as it negatively affects the residents of the Villa Vega subdivision
- ask that the MD of Pincher Creek ensure that the integrity of the *Burmis Lundbreck Corridor Area Structure Plan* be protected and enhanced
- meet the environmental, conservation and lifestyle needs (including the right to adequate and sustainable water) presently enjoyed by all persons and wildlife living within or next to the Burmis Lundbreck Corridor.
- demand unbiased expert studies and/or assessments of environmental and conservation issues relating to any proposed development

Sandy Ottewell-Watson ~~S. Ottewell Watson~~ ^{UVA} (#28)

Chris Skaley & Shelley Skaley ~~Ch Skaley~~ (UVA #6)

Collin & Lisa Weller ~~Ch Weller~~ (UVA #48)

Don Bonner ~~Don Bonner~~ (UVA #31)

Franklin D. Chisholm ~~Franklin D. Chisholm~~ (UVA #)

MARTY & MAXINE LAIRD ~~Marty Laird~~ (UVA #44)

Barrett Hanna ~~Barrett Hanna~~ (UVA #19)

Cheryl + Cam Welsh ~~Cheryl Welsh~~ (UVA #23)

Bill/Kathy Livingston ~~W. Livingston~~ (UVA #14)

~~Lois Murney~~ Lois Murney ~~Lois Murney~~ Lois Murney

SANDRA GANO

SIANO (VILLA UELIA #36)

Claudette Landry

Claudette Landry (VV#18)

Lori Townsend

LIOWNAD (VV#30)

Sandra Baker #25

Sandra

Lorna Erickson

Lorna Erickson

Ruth Skene Reedyk

Ruth Skene Reedyk

Duncan Gano

Duncan Gano

Richard Erickson

Richard Erickson

Randy Baker #26

Randy Baker

Greg Townsend

Greg Townsend

Lee Reedyk

Lee Reedyk

Randy Axani

Randy Axani (VV#18)

Kevin Watson

Kevin Watson