



REPORT TO THE MUNICIPAL PLANNING COMMISSION

April 14, 2022

Agenda Item	
Application No.	19/22
Proposed Development	sand and gravel pit <i>*expansion of previous approval</i>
Legal Description	Pt. SW 08-41-27-W4M
Titled Area	63 hectares (156 acres)
Zoning	Agricultural 'A' District
Landowner/Applicant	Meinema Farms Ltd.

BACKGROUND

Meinema Farms Ltd. (herein after referred to as Meinema Farms) is seeking approval to expand a previously approved sand and gravel pit located on Pt. SW 08-41-27-W4M. The applicant is requesting to disturb 20.32 hectares (50.21 acres). This application requires the Municipal Planning Commission's approval due to the additional site area.

The pit was previously operated by J.T. Setters & Sons Construction Ltd. and had approval to a total area of 4.0 hectares (9.9 acres), of which approval lapsed for in 2019. The current size of the pit is noted to be larger than the previously approved area, as 8.44 hectares (20.86 acres) has been excavated prior to Meinema Farms acquiring the property.

Meinema Farms acquired the property in 2020. Meinema Farms began operation of the pit, and Lacombe County subsequently pursued enforcement action as the operation was unauthorized. A Stop Order was issued on August 9, 2021. Meinema Farms stopped operation immediately in order to rectify the unauthorized development. Lacombe County has no record of the amount of material that left the pit through unauthorized activity.

Meinema Farms has paid the \$1000 fine for initiating a development without development permit approval, as per Policy No. AD(7) *Fees and Charges*.

PROPOSED APPLICATION

The revised application and site plan is contained in **Attachment 1**. The pre-circulation

report is contained in **Attachment 2**.

Meinema Farms has indicated that the operations will include wet and dry pit excavating, crushing and screening. The average depth of excavation is 6.2 metres (20.34 feet). The depth to groundwater in test holes is 2.1 metres to 8.2 metres (6.89 feet to 26.90 feet). The life span of the pit is projected to be up to 15 years. The estimated volume of material to be removed from the site is 425,000 cubic metres.

Bailing methods will be used when excavating below the water table, and water diverted internally from pit-to-pit. No water will be released off-site.

Gravel hauling will occur Monday to Saturday from 7:00 AM to 7:00 PM from May 1 to October 31, and from 7:00 AM to 6:00 PM from November 1 to April 30, with no operations on Sundays or holidays.

Crushing and screening will occur Monday to Friday from 7:00 AM to 7:00 PM from May 1 to October 31, and from 7:00 AM to 6:00 PM from November 1 to April 30, with no operations on Saturdays, Sundays or holidays.

No temporary asphalt plant is proposed.

The volume of truck traffic is approximately 20-30 trucks/day, hauling intermittently throughout the year. The haul route will be directly south on Range Road 27-5 to Highway 12.

The proposed land use after reclamation is agricultural with one end pit waterbody (3.26 hectares).

POLICY CONSIDERATIONS

A sand and gravel pit is a discretionary use under the Agricultural 'A' District of the County's *Land Use Bylaw* requiring the approval of the Municipal Planning Commission.

The operation must be registered with Alberta Environment and Parks as required and must follow the Code of Practice developed by the Department for the operation and reclamation of gravel pits.

CIRCULATION RESPONSE

The County's Operations Department has no issues with the proposed development at this location, providing all previous conditions remain. The operator will be responsible for the purchase and installation of a "STOP" sign installed on property line for exiting traffic.

Meinema Farms has advised property owners within 1 mile of the gravel pit site of the proposed application, including the expanded excavation area. Two (2) responses were received during pre-circulation from Ron Boyd and Randy and Judy Laye. Joute Meinema also spoke to Mr. Boyd on the phone to address his concerns regarding the haul route and

noise at the pit. Concerns were focused primarily on the topics of groundwater impacts, air quality, noise, increased truck traffic and road conditions. Meinema Farms has considered these concerns and proposed mitigation measures.

Below is a summary of the responses and proposed mitigation measures as written in Section 3.0 of the pre-circulation report contained in **Attachment 2**. Copies of the completed comment forms are also in **Attachment 2**.

DEVELOPER'S PROPOSED MITIGATION

"The concerns noted in the comment forms included concerns about groundwater impacts, air quality, noise, increased truck traffic and road conditions. Each concern is detailed below with proposed mitigation measures to minimize or rectify the landowner concern.

Groundwater Impacts

One comment form indicated concerns over impacts including the supply and quality of groundwater in the area. The commenter indicated a desire for monitoring in the area for quality and quantity.

As there will be extraction within the groundwater table at the pit, Meinema Farms will be submitting an application for approval under the *Water Act* to AEP. One component of this application is a search of all the Water Wells within 1.6 km of the operation with a focus on the potential impacts the operation could have on wells within 400 m. Based on the results of the well search, there were twelve wells within the 400 m radius. Most of the wells in the area are owned by Meinema Farms or Joute Meinema personally, located within an existing sand and gravel pit or part of a federal well survey with limited information available in the Alberta Water Well Information Database. There is one well located on the west side of Range Road 275 used for domestic and stock purposes however no impacts are anticipated on this well as it is completed far deeper than the proposed extraction depth and drilled into bedrock far below the gravel seam. AEP will review this application and advise if any further mitigation measures or groundwater studies are required in order to receive an approval.

To mitigate the potential for any groundwater contamination as the result of operations at the pit, Meinema Farms will implement the following environmental management practices:

- Installation of spill kits on all equipment being utilized within the pit;
- utilization of double wall fuel storage tanks for any long-term fuel storage within the pit;
- use existing or designated infrastructure (roads, storage areas, etc.);
- properly storing and handling of hazardous materials on site. This includes any industrial waste generated at the pit will be hauled to an approved municipal or Class II landfill;
- properly collecting and regularly hauling all sanitary waste to an approved wastewater management treatment facility;
- development of an active weed control program to prevent the initial establishment of weeds;
- ensuring proper application of herbicides; and

- ensuring that no herbicides, pesticides, or any other hazardous substance will be stored onsite.

Air Quality

One comment form indicated concerns with air quality as a result of operations at the pit including a request for implementation of a monitoring program.

Air quality is not anticipated to be a concern at the pit, especially as hauling will be intermittent throughout the year. To mitigate impacts on air quality Meinema Farms will implement the following dust control measures:

- Watering internal haul roads and stockpile/processing area as necessary;
- Ensure that all loads are properly tarped;
- Ensuring set speed limits are followed;
- Seeding all long-term stockpiles to a grass/pasture mix; and
- Employing progressive reclamation techniques to reduce the total disturbance at any one time.

Noise

Both comment forms indicated concerns related to the potential noise from the pit. Both comment forms specifically mention the potential of trucks entering the pit from the north and the related noise impacts. It is noted that in the Pre-Circulation Mail Out Package, the information included in Part 7 (Haul Information and Road Maintenance Details) of the draft Development Permit Application Form was unclear and that it could be read that indicated trucks would be entering the pit from the north. It was intended to suggest trucks would be traveling north on Range Road 275 from Highway 12 as indicated on the Haul Route plan, also included in the Pre-Circulation Mail Out Package. Trucks will both enter the pit from the south and leave south on Range Road 275. The Development Permit Application Form has been updated to correct provide clarification and will be resubmitted to the County with the completed Development Permit Application package.

Meinema Farms will implement the following measures to reduce the impacts of noise at the pit:

- Equipment will be properly maintained;
- All trucks hauling from the pit will be in good working order;
- The use of engine retarder brakes will be prohibited within the pit and along the haul route; and
- Strobe lights will be used during hours of darkness instead of backup beeper alarm systems.

One comment form indicated concerns with crushing at the pit, specifically on Saturdays. Meinema Farms has agreed to limit crushing operations to Monday through Friday to address this concern and reduce noise on weekends. This change has also been updated in the Development Permit Application Package and Form.

Traffic and Road Conditions

One comment form indicates concerns with truck traffic and road conditions as a result of hauling from the pit. The comment also proposes mitigation of this by not having trucks approach the pit from the north. As previously mentioned, the inclusion of trucks approaching the pit from the north in the mail out package was in error on the draft development permit form and trucks will be following the haul route indicated on the Haul Route Plan, entering and leaving the pit to the south. Joute Meinema discussed this concern with Mr. Boyd and ensured him no trucks will enter from the north.

Additional mitigation measures to address traffic and road conditions include:

- Hauling intermittently throughout the year;
- Adhering to posted speed limits; and
- Grading the road following major hauls or when required.”

ANALYSIS

A sand and gravel pit is considered a discretionary use in the Agricultural ‘A’ District of the County’s *Land Use Bylaw*. The proposed operation is within an area of aggregate extraction, and is an existing operation, and is therefore considered a suitable use of the land.

The concerns received during pre-circulation have been mitigated to staff’s satisfaction, and the proposed conditions of approval should further aid mitigation.

It is a standard requirement that the operator enter into a development agreement/road haul agreement which is intended to alleviate issues by regulating side sloping, protective barriers (guard rails), erection of required signs and designated haul route.

Any affected parties may appeal a decision made by the Municipal Planning Commission.

STAFF RECOMMENDATION

APPROVE the application, subject to the following conditions:

1. term of development permit to be for five (5) years
2. this approval shall be subject to annual review by the Development Officer. Failure to comply to the conditions of development permit or failure to mitigate concerns raised by surrounding property owners and other residents to the County’s satisfaction may result in the permit being suspended or revoked
3. the operator shall install a STOP sign for traffic leaving the proposed site. The sign is to be placed on private property and not within the County right-of-way

4. this approval is for dry pit excavation, wet pit excavation, and crushing and screening activities only. Further approval is required from the County for any additional activities
5. the pit size is to be no larger than 20.32 hectares (50.21 acres). The pit size includes all excavation areas where aggregate is being removed, areas where reclamation material has been salvaged and stockpiled, and areas determined to be infrastructure (e.g., access road, stockpiles, processing equipment, weigh scales)
6. prior to a development permit being issued, the operator shall:
 - a. submit a progressive reclamation plan to the County's satisfaction
 - b. enter into a development agreement with the County respecting the operation. A caveat respecting the agreement shall be registered against the title of the property. All terms and conditions of the development agreement shall be met to the satisfaction of the County
 - c. enter into a sand/gravel haul agreement with the County. All terms and conditions of the sand/gravel haul agreement shall be met to the satisfaction of the County
7. applicant is required to direct all haul traffic directly south on Range Road 27-5 to Highway 12. No other route shall be used for haul traffic, unless permission is received in writing from the County.
8. hours of operation shall be as follows:
 - a. gravel operations (i.e. extraction, processing, on-site sales, reclamation) and gravel hauling shall be Mondays to Saturdays, 7:00 a.m. to 7:00 p.m. from May 1 to October 31, and 7:00 a.m. to 6:00 p.m. from November 1 to April 30. The pit shall be closed on Sundays and statutory holidays, including no gravel hauling
 - b. crushing and/or screening processing operations shall be Mondays to Fridays, 7:00 a.m. to 7:00 p.m. from May 1 to October 31, and 7:00 a.m. to 6:00 p.m. from November 1 to April 30. No crushing and/or screening processing operations shall occur on Saturdays, Sundays and statutory holidays
9. if extended hours of operation are required beyond those outlined in condition 8, the operator shall ensure landowners within a one-mile radius of the pit are notified at least seven (7) days prior to the proposed date of the extended hours of operations. Please note that if concerns are raised, the operator will be required to further limit operations at the County's discretion
10. if, in the opinion of the County, activities on this site causes noise, dust problems or other safety concerns, the operator will be required to further limit operations at the County's discretion
11. if, in the opinion of the County, traffic generated by the pit causes dust problems or other safety concerns, the operator may, at their sole cost, be required to provide dust control on Range Road 27-5, from the pit entrance south to Township Road 41-0 (Rock Pine Road), to a standard directed by and to the satisfaction of the County

12. appropriate noise abatement measures will be required to reduce nuisance impact on adjacent residents, and the County reserves the right to further restrict the hours of operation at its sole discretion
13. applicant to ensure that there is ongoing communication with surrounding property owners and other residents that advises them of non-typical operations
14. applicant to ensure all gravel trucks used in the operation are registered with the provincial central truck registry
15. a 3 metre (10 foot) wide buffer to be maintained for excavation from property lines with a minimum 3:1 slope ratio
16. cut and fill slopes to be no steeper than 4:1 for the final design when adjacent to a road, and 3:1 when adjacent to a property line
17. if any excavation adjacent to the road allowance is to occur over a period longer than one (1) month, the operator is required to install guard rails or other barriers to the satisfaction of the County along the entire length of the excavated area
18. no new topsoil, overburden or granular material to be piled over 2 metres (6.56 feet) in height within 30.0 metres (98.42 feet) from a property line
19. applicant to satisfy all requirements of Alberta Environment and Parks for the operation

Please note that Lacombe County has passed Bylaw 1261/17 which authorizes the collection of a community aggregate payment from all sand and gravel operations in the County. Attached is a copy of the Bylaw.

MPC DECISION

PREPARED BY: Cajun Paradis, Senior Planner
REVIEWED BY: Dale Freitag, Director of Planning Services
REVIEWED BY: Tim Timmons, County Manager

