

Bylaw 2016-12: Written Submissions

(received prior to June 30, 2016)

1. Alberta Transportation (received June 6, 2016):

From: [REDACTED]

Sent: Monday, June 06, 2016 10:01 AM

To: Mary McInnes <mmcinnnes@parklandcounty.com>

Cc: Martin Frigo <mfrigo@parklandcounty.com>

Subject: RE: Bylaw 2016-12 - Highvale End Land Use ASP

AT has undertaken a preliminary review of this ASP. The department is protecting both provincial highways affected by this ASP as major 2-lane highways. We are unsure if the original statutory road allowances are all still in place or if some or all of them have been closed to accommodate mining operations. This is important because the plan needs to provide for legal and physical access to all of the properties in order to meet the requirements of Section 9 of the Subdivision and Development Regulation. Access to a provincial highway is not a legal means of access that can satisfy Section 9 and therefore a local road needs to be in the plan located adjacent to every parcel of land.

AT also notes that the proposed spacing of local road intersections along Highway 627 does not meet AT's standard of a separation of 1.6 km between local road intersections. AT is prepared to consider the occasional situation where the spacing is less than 1.6 km in order to address significant existing immovable physical obstacles or sight line issues so long as the intersections can be constructed to the highest standards and still not adversely affect the operation of the other intersections. The ASP should be amended to address this concern.

AT generally requires that ASP's plan for an interconnected local road system so that local trips can be accomplished without using the provincial highway. In this instance, where wetlands, water bodies and environmentally protected lands cut off small islands of land zoned as agricultural, AT would not object to a few short, cul de sac local roads off of the provincial highway. Where such obstacles do not exist, the plan should address routing for future local road connections between local roads that intersect with a provincial highway.

The proposed zoning does not cause AT concerns.

Alberta Transportation
Development and Planning Technologist
Operations - Stony Plain
North Central Region

2. Alberta Transportation (received June 8, 2016)**From:** [REDACTED]**Sent:** Wednesday, June 08, 2016 11:05 AM**To:** Martin Frigo <mfrigo@parklandcounty.com>**Cc:** Mary McInnes <mmcinnes@parklandcounty.com>; Rachelle Trovato <rtrovato@parklandcounty.com>**Subject:** RE: Bylaw 2016-12 - Highvale End Land Use ASP

Good morning Martin,

I'll walk you through the legislative framework supporting Section 9.

The Legislation

1. Section 1(1)(z) of the MGA provides a definition of "Road" for the general purposes of the Act to mean "land
 - (i) shown as a road on a plan of survey that has been filed or registered in a land titles office, or
 - (ii) used as a public road,"
2. Section 616(aa) of the MGA refines the definition of "Road" for the specific purpose of planning and development to mean "road as defined in section 1(1), but does not include highway as defined in this Part." Section 616(h) defines "Highway" to mean "a provincial highway under the Highways Development and Protection Act"
3. Section 1(1)(s) of the Highways Development and Protection Act defines "Provincial Highway" to mean:
 - (i) a highway or proposed highway designated as a provincial highway under this Act, and
 - (ii) a highway that has been designated as a primary highway under a former Act if the designation is subsisting on the coming into force of this Act;
4. Section 12(1) of the Highways Development and Protection Act states "All provincial highways are controlled highways."
5. Section 11 of the Highways Development and Protection Act states "(1) A person
 - (a) is not, of right, entitled to any direct access to or from a controlled highway or controlled street from or to any land adjacent to it,
 - (b) does not have any right of easement, light or air to, from or over a controlled highway or controlled street, and
 - (c) unless otherwise expressly provided in a conservation directive as defined in the Alberta Land Stewardship Act, does not have any right of view to, from or over a controlled highway or controlled street.
 (2) No person is entitled as of right to any compensation solely by reason of the designation of a highway as a controlled highway or the designation of a street as a controlled street.
6. Section 9 of the Subdivision and Development Regulation states "Every proposed subdivision must provide to each lot to be created by it

- (a) direct access to a road, or
- (b) lawful means of access satisfactory to the subdivision authority.

So, Sections 11 and 12 of the Highways Development and Protection Act establishes that people do not have a right to access any provincial highway and that any access to the highway, even local road connections, are of a temporary, privileged nature. A direct connection onto a provincial highway is not a legal means of access.

Section 9 requires the creation of a local road network to provide access to every parcel of land, or the subdivision authority can use some other means, perhaps cross access easements, to provide legal and physical access onto a local road to every parcel of land. The definition of the word "Road" used in Section 9 specifically excludes provincial highways.

Please be sure to make this legal requirement clear in your presentation.

Alberta Transportation

Development and Planning Technologist
Operations - Stony Plain
North Central Region

Room 223, Provincial Building
4709 - 44th Ave
Stony Plain, Alberta T7Z 1N6

3. Committee on Keephills Environment and TransAlta (Received June 30, 2016)**From:** [REDACTED]**Sent:** Thursday, June 30, 2016 10:59 AM**To:** Mary McInnes <mmcinnes@parklandcounty.com>**Cc:** [REDACTED]
[REDACTED]
[REDACTED]**Subject:** Written submission - Highvale ASP to Parkland County Council

To: Parkland County Council

Feedback from the Committee on Keephills Environment and TransAlta on the Draft Highvale End Land Use Area Structure Plan

In 2014, TransAlta made a commitment to collaborate with the Committee on Keephills Environment (COKE) and Parkland County to update and revise the (1997) Highvale End Land Use Area Structure Plan (Highvale ASP).

Since the project began in 2015, COKE and TransAlta have worked with Parkland County to create a new version of the Highvale ASP.

In the spirit of ongoing collaboration and to ensure the Highvale ASP is a planning document with a long life that encompasses future land use, development and ultimately growth to rejuvenate the community, TransAlta and COKE spent considerable time together in reviewing this draft document. We recognize that as we look to the future we need to balance the economic, environmental and community priorities of all stakeholders within the plan area.

In summary, we recommend to Council that the Highvale ASP does not pass during second reading for the following reasons:

- In brief, the document contains errors, omissions and inaccurate information. Some of the content within the policies is contradictory to the Community Vision Statement under 5.1.
- COKE and TransAlta are in agreement with the Community Vision Statement as stated in this document as this reflects a multi-use plan and is representative of the feedback that we heard during the public consultation.
- Rather than go into specifics we draw your attention to the following:
 - **Section 4.0 – Regional and Local Context** is missing key elements with no mention of existing recreation or commercial uses within the plan area.
 - **Section 4.0 – Regional and Local Context** is meant to describe the existing regional and local context and provide the reader with insight on the relevant history of the lands. This section includes statements of policy recommendations including land use and population density. The conservation section fails to mention the Provincial Sundance natural area and the Beaver Creek Conservation Site located on the south side of Lake Wabamun.

- In **Section 4.0** it is important to highlight the Mine Permit Area includes two distinct types of land: Mine Disturbed (reclaimed) and areas that are Undisturbed Lands (buffer) which extend to the Mine Permit Area. These lands should be identified on Map 1 and the distinction should be noted in other sections of the document. This differentiation has important implications for future land use.
- **Section 5.0 – Agricultural lands** – COKE and TransAlta agree that agriculture will remain the predominate use of lands within the plan area however the goals and objectives stated within this section are too restrictive.
- **Section 5.0 Development Plan** Current zoning of Country Residential near the Sundance Power Plant and on the south side of Wabamun Lake should be retained. Restricting country residential only to the Hamlet of Keephills does not permit population growth and rejuvenation of the community at large.
- **Section 6.0 -- Land Use Policies** – policy statements that fall within this section should be removed as they are too restrictive and limiting for agricultural producers. For example, the requirement of a development permit for agricultural buildings greater than 108 feet squared within the mine permit boundary is not practical, nor should an ASP include statements on tillage and crop selection.
- **Section 6.3 – Hamlet Development** – this section should include the policy recommendations cited within Section 4.0.
- **Section 6.9 Transportation network** – more clarity is required in this entire section to ensure transparency and understanding for TransAlta and COKE. It is imperative the maps accurately depict the roads today and those agreed upon for the future.
- In general, items that fall outside of the scope of an Area Structure Plan should be removed. In **Section 6.10** – Green Technologies, Alternative Energy and Energy Conservation should be removed.

COKE and TransAlta recognize considerable resources including the time of County staff and the members of the steering committee has been expended in the development of this draft document.

Based on our combined review of the document we believe we can incorporate much of the material within the existing document. We want to salvage as much as possible from the good work that has been done to date. We also want to note that the Workshop held in November 2015 and the open house in March 2016 were good examples of community engagement.

We respectfully request that the Steering Committee under the leadership of Parkland County work together with COKE and TransAlta to develop a plan on the next steps to revise the Draft Highvale ASP and how we engage the broader community in further discussions.

Finally, we do not want to lose sight of the existing 1997 End Land Use Highvale Area Structure Plan. Initial discussions with COKE were to update or revise this document rather than undertake an entire revision. The broad policy statements within the 1997 ASP set the stage for the future. They were realistic and not too restrictive in nature.

The Highvale ASP should give community members and all stakeholders a future with greater opportunity.

4. Wabamun Watershed Management Council (Received June 28, 2016)

From: [REDACTED]
Sent: Tuesday, June 28, 2016 12:11 PM
To: Duncan Martin <dmartin@parklandcounty.com>
Subject: Highvale End Landuse Area Structure Plan



Box 1005 Wabamun, Alberta T0E 2K0

June 28, 2016

From: [REDACTED]
Board Chair

To: Martin Frigo
Parkland County

[REDACTED]
Alberta Environment and Parks

Alberta Energy Regulator

[REDACTED]
TransAlta

Re: Highvale End Land Use Area Structure Plan

In advance of Parkland Council's Public Hearing regarding the adoption of the Highvale ASP, our Board has instructed me to write to provide our perspective on the long term future of the lands contained within the Highvale Mine Site.

We understand that to a large extent, the end land uses for this site will be influenced by the reclamation plan ultimately carried out. We have had very positive discussions with TAU staff who are managing and planning the reclamation and we are confident that they understand the runoff water quality implications of the reclamation, especially with regard to the amount of nutrients entering the lake. Subsequent to our discussions with TAU, it has become apparent that in addition to the issue of water quality of runoff, there is a serious question regarding the volume of runoff and groundwater that the site will contribute to the lake following reclamation.

The Highvale Mine site represents approximately 1/3 of the area of the Wabamun watershed. For several years TAU has been pumping treated water into the lake to compensate for natural runoff that has been captured. The volume of water pumped into

the lake in recent years is about 10 million cubic meters per year. Aside from a few high water years, it appears that the lake requires a water volume of this magnitude from the site to maintain the status quo, i.e. annual and seasonal fluctuations within historic parameters.

We believe that the importance of this portion of the watershed to the sustainability of the lake mandates a reclamation plan that manages runoff and groundwater to provide water that will not adversely affect the health of the lake and will maximize the volume of water delivered to the lake at least up to historic levels of groundwater input and surface runoff that existed pre disturbance. It goes without saying that any land uses of the reclaimed site should not interfere with the achievement of those objectives.

We are confident that the historic, current and proposed post reclamation hydrology of the site can and should be studied. This information should provide useful benchmarks for further discussions and should in our view be the cornerstone of planning the reclamation and end land use.

[REDACTED]

5. Alberta Environment and Parks (Received June 29, 2016):

From: [REDACTED]
Sent: Wednesday, June 29, 2016 4:54 PM
To: Martin Frigo <mfrigo@parklandcounty.com>
Cc: Carol Bergum <cbergum@parklandcounty.com>; Mary McInnes <mmcinnes@parklandcounty.com>
Subject: RE: Bylaw 2016-12 Proposed Highvale End Land Use Area Structure Plan

Apologies for the delayed reply. AEP has no comments, but you can consider the input from Indigenous Relations, attached.

Regards,

[REDACTED]
Regional Approvals Manager
Red Deer-North Saskatchewan Region
Alberta Environment and Parks
[REDACTED]

6. Alberta Indigenous Relations (Received June 29, 2016):

From: [REDACTED]
Sent: Wednesday, June 29, 2016 4:54 PM
To: Martin Frigo <mfrigo@parklandcounty.com>
Cc: Carol Bergum <cbergum@parklandcounty.com>; Mary McInnes <mmcinnes@parklandcounty.com>
Subject: RE: Bylaw 2016-12 Proposed Highvale End Land Use Area Structure Plan

EDS FILE REVIEW/ASSESSMENT NOTES

Highvale Mine Area Structure Plan

Date: 2016/06/29**Date Request submitted in EDS:** Not in EDS**FNC #:** FNC**Client Name:** AEP**Contact name and info:** [REDACTED]**Project Name:** Highvale Mine Area Structure Plan**Location:** South side of Wabamun Lake**Size:** 28924 ha**Duration:** Reclamation over next 50 yrs.**Forms match?**

Notes: 2016/06/29 reviewed this package. It is an outline for an ASP that makes up part of a bylaw for Parkland County, for the area as the mine is reclaimed and the lands turned back over to Parkland County for development/use. Currently the mine lands are under dispositions if Crown, have been leased if privately owned or are owned by TransAlta, the operator. The lands are not available for public use so access will improve and the termination of mining with lands being resculpted and returned to specified uses will result in park space and water features.

Geocortex: The site is on a blend of privately owned and Crown land within the CAOI of Paul First Nation, O'Chiese First Nation, Sunchild First Nation, Alexander First Nation and Alexis Nakota Sioux First Nation.

Consultation: During operation and until reclamation these lands have not been accessible for use. The termination of operations and reclaiming of the mine to useable properties which are then available for use is highly unlikely to have an adverse impact on Treaty Rights or traditional land uses.

Recommmendation: The proponent should be made aware that this is in the area of interest of the Paul First Nation, O'Chiese First Nation, Sunchild First Nation, Alexander First Nation and Alexis Nakota Sioux First Nation. While they may wish to engage with each of these Nations, No consultation is recommended.

Guiding Questions:

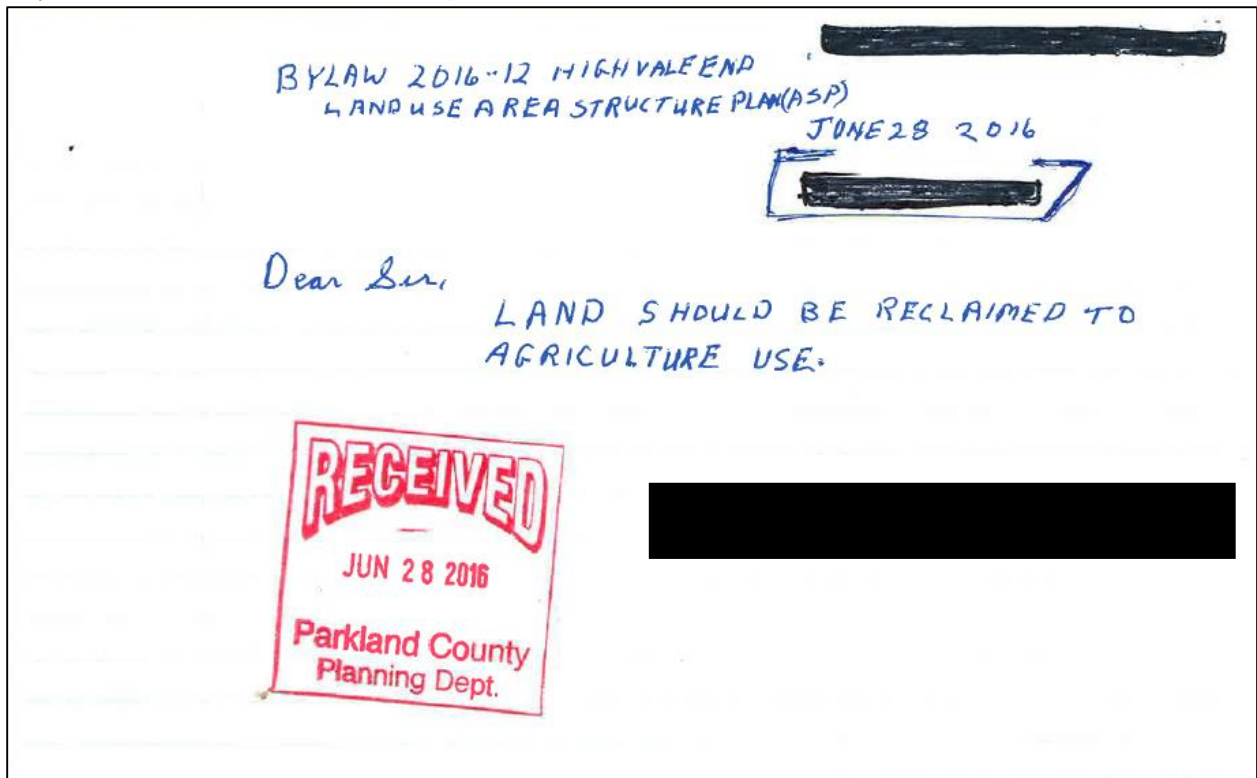
Questions to ask yourself:

1. What does the work involve?
2. How will the work be conducted?
3. What is the scope of the work? (impacts)
4. Are there any identified concerns (i.e. fisheries)? If so, what are the mitigations?


Things to consider:


5. Is the project in support of public safety?
6. Is it a new disturbance?
7. What is the duration of the project?
8. What is the size?
9. Does access change for FNs?

7. Adjacent Landowner (Received in person June 28, 2016)



8. Adjacent Landowner (Received in person June 28, 2016)





June 28, 2016

Parkland County
Planning and Development Services

Bylaw 2016 - 12: Highvale End Land Use Area Structure Plan

We wish to address the following points in the Highvale End Land Use Area Structure Plan:

6.2 (5) Land currently in the mine permit boundary is only allowed one residential lot subdivision per quarter. We do not understand why the land would still be districted AGR - Agricultural Restricted District after reclamation and are opposed to the maintenance of this classification.

8.0 (5) First right of refusal should not be given to Parkland County. These lands should be offered to all of the people in the county in particular to the farmers in the area. Some land within the mine permit area has been leased to farmers for years and they should be given first right of refusal. Also, land adjacent to existing farm operations should be offered to those farmers first as this affects their operations. Prior to the mine, this was agricultural land and should be returned to agricultural land.

As residents of Highvale having been affected by the mine, oil and gravel developments for years, we feel that these changes are not unreasonable.