

**BYLAW NO. 5/2016**

**BEING A BYLAW OF THE  
MUNICIPAL DISTRICT OF PEACE NO. 135  
IN THE PROVINCE OF ALBERTA**

**TO AMEND THE  
MUNICIPAL DISTRICT OF PEACE NO. 135 LAND USE BYLAW NO. 1/2012**

**WHEREAS**, The Municipal District of Peace No. 135 has adopted the Municipal District of Peace No. 135 Land Use Bylaw No. 1/2012 as amended, to regulate land use and development in the Municipal District, and

**WHEREAS**, the Council of Municipal District of Peace No. 135, in the Province of Alberta, has deemed it desirable to amend the Municipal District of Peace No. 135 Land Use Bylaw to include additional definitions and an additional land use district within Part Five - Land Use District Regulations of the Land Use Bylaw No. 1/2012.

**NOW THEREFORE**, PURSUANT TO SECTION 230, 606 and 692 OF THE MUNICIPAL GOVERNMENT ACT, RSA 2000 Chapter M-26, THE COUNCIL OF MUNICIPAL DISTRICT OF PEACE NO. 135, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. **That the following definitions be added to Section 1.4 of the Land Use Bylaw:**

**Asphalt Plant** means a structure which is used to make asphalt from aggregate materials.

**Crushing** means the operation of an industrial crusher designed to process raw aggregate into finer materials.

**Extraction** means the stripping and stockpiling of soil, overburden, and aggregate materials and the transportation of the said materials within the site.

**Gravel and/or Sand Pit** means development for the removal, extraction, processing and transmission of sand, gravel and clay for commercial purposes.

**Gravel and/or Sand Pit, Quick Extraction** means development of a gravel and/or sand pit between 400 metres and 800 metres from a property (unless the property is owned by the gravel pit operator), for the removal, extraction and transmission of sand, gravel and clay for commercial purposes. A quick extraction gravel pit development permit must be renewed annually, for a period of time not to exceed 5 years from the date of first development permit approval.

**Hauling** means the transportation of aggregate materials off-site through the local road and/or provincial highway network.

**Reclamation** means the restoration of the site in a manner that will accommodate other future land uses and includes but is not limited to, replacing the topsoil and establishing vegetation.

**Wash Plant** means a structure which is used to clean and remove sediments from aggregate materials.

2. **That Rural Industrial: Shaftesbury Trail Gravel Pit District (RI-SG) be added to the list of Land Use Districts under Section 5.2 Land Use Districts.**

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3. That Section 5.17 Rural Industrial: Shaftesbury Trail Gravel Pit District (RI-SG) be included in the Municipal District of Peace No. 135 Land Use Bylaw No. 1/2012 as per Schedule "A" attached hereto.
4. That the passage of this bylaw is effective upon the date of the passing of the third and final reading of this bylaw.

First reading given on the 14th day of June, 2016.

Veronica Bliska  
Veronica Bliska, Reeve

Lyle McKen  
Lyle McKen, Chief Administrative Officer

Second reading given on the 13th day of September, 2016.

Veronica Bliska  
Veronica Bliska, Reeve

Lyle McKen  
Lyle McKen, Chief Administrative Officer

Third reading given on the 13th day of September, 2016.

Veronica Bliska  
Veronica Bliska, Reeve

Lyle McKen  
Lyle McKen, Chief Administrative Officer

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**5.17 RURAL INDUSTRIAL: SHAFTESBURY TRAIL GRAVEL PIT DISTRICT (RI-SG)**

**A. PURPOSE**

The purpose of this district is to regulate the location of the government or privately owned gravel and sand pits along the Shaftesbury Trail.

**B. PERMITTED USES**

No uses are permitted

**C. DISCRETIONARY USES**

- accessory use or building
- caretaker's residence
- gravel and/or sand pit
- gravel and/or sand pit, quick extraction
- signs

**D. SITE REQUIREMENTS**

**(1) Area of Site:**

At the discretion of the Development Officer based on the area of the gravel and/or sand deposit.

**(2) Setbacks:**

Gravel and/or sand pit and gravel and/or sand pit, quick extraction:

From Highway 684, Highway 740 and Township Road 820A:

70 metres from centerline

From any other municipal road:

40.84 metres from the edge of the road right-of-way

From a river bank:

60.96 metres (200 feet) from the upper break of the river bank, may be reduced to 30.5 metres based on an environmental assessment

From the property line:

There shall be a minimum 3 metres (9.84 feet) undisturbed buffer zone between the property line and any excavation.

From existing residential (unless the residence is owned by the developer):

800 meters from property line

Quick Extraction Zone: 400 meters from property line

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Other uses: at the Discretion of the Development Officer

Notwithstanding the above, the Development Officer may increase the development setbacks for a gravel and/or sand pit operation, depending on the characteristics of the proposed site.

(5) Servicing:

The development, if required, must be supplied with a provincially approved water supply and sewage disposal system.

(6) Signs:

All signs must be accessory to an existing or potential future gravel and/or sand pit use. No third party signs are permitted.

All signs must conform to the general provisions of this Land Use Bylaw.

The Development Officer, for safety reasons, may require that specific signs be placed on the development and/or the road allowance to warn of dangerous conditions.

(7) All access to the gravel and/or sand pit development from municipal roads must be approved by the Development Officer. Access to gravel and/or sand pits must be developed in a manner that ensures safe and efficient truck movement and adequate site drainage. All access to gravel and/or sand pit developments are at the sole expense of the developer.

**E. ADDITIONAL REQUIREMENTS**

(1) A Land Use Bylaw rezoning application to this district or a Development Permit Application for a gravel and/or sand pit must include all those requirements set out in Section 3.3 of the Land Use Bylaw.

(2) A Land Use Bylaw rezoning application to this district or a Development Permit Application for a gravel and/or sand pit shall provide a copy of all plans and permits as required by Alberta Environment and Parks under the applicable statutory and regulatory regime, which may include but is not limited to an approved Reclamation Plan, Activities Plan and Indemnification Estimate.

(3) The proponent of a Land Use Bylaw rezoning application to this district or a Development Permit Application for a gravel and/or sand pit shall arrange a pre-application meeting with the Municipal District of Peace to review the application requirements.

(4) A Land Use Bylaw rezoning application to this district or a Development Permit Application for a gravel and/or sand pit may, at the discretion of the Development Authority, be required to provide an Environmental Impact Assessment that addresses, but is not limited to the following (notwithstanding any other provisions in this bylaw):

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- (a) Visual Baseline and Impact Assessment
  - (b) Air Quality Baseline and Impact Assessment
  - (c) Noise Baseline and Impact Assessment
  - (d) Soils Baseline and Impact Assessment
  - (e) Vegetation Baseline and Impact Assessment
  - (f) Wildlife Baseline and Impact Assessment
  - (g) Traffic Baseline and Impact Assessment
  - (h) Ground and Surface Water Hydrological Quality Baseline and Impact Assessment
  - (i) Historical Resources Impact Assessment, if required by Alberta Culture
  - (j) Community Consultation Process and Results
- (5) A Land Use Bylaw rezoning application to this district or a Development Permit Application for a gravel and/or sand pit development may, at the discretion of the Development Authority, be required to include the following plans (notwithstanding any other provisions in this bylaw):

(a) Activities Plan

The Activities Plan must include the following:

- i. A general introduction to the proposed development
  - o type of operation, i.e. dry pit, wet pit, crushing and screening, sand and gravel washing or other
  - o estimated duration of the operation;
  - o if applicable, a gravel and/or sand pit Alberta Environment registration number;
  - o Project phasing
- ii. The development rationale
- iii. The characteristics of the site,
  - o location the excavation
  - o all on-site development,
  - o proposed locations of the topsoil and overburden stockpiles and gravel stockpiles, including the proposed distances between the stockpiles;
  - o proposed location of all processing facilities, crusher, washing sites and plants;
  - o the roads and access points to the site
  - o information pertaining to the location of access roads, power lines and pipeline rights-of-way within the immediate vicinity of the development;
  - o a list of all significant topographical features (watercourses, rivers, topography etc.) within the boundaries of the parcel;
  - o proposed site servicing
- iv. Aggregate extraction guidelines and extraction plan
- v. The operator's daily operations procedures and policies with respect to:
  - o proposed days and hours of operation;
  - o proposed hauling activities and roads;
- vi. The actions and policies to mitigate the impacts identified in the Assessments, including but not limited to dust,

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emissions, noise, weeds, soil erosion, and storm water management.

(b) Landscaping Plan

The Landscaping Plan must outline the location and type of all proposed landscaping. Landscaping is expected to provide an effective visual barrier prior to the beginning of operations, limit noise from the development and operations, and may include the installation of a fence around the perimeter of the excavation area.

(c) Reclamation Plan

The Reclamation Plan must include anticipated future land use, as determined by the Municipal District in its sole discretion, and set reclamation standards of the gravel and/or sand pit excavation area to enable that land use.

The Reclamation Plan should also include a progressive reclamation schedule to the satisfaction of the Municipal District.

- (6) A Land Use Bylaw rezoning application to this district or a Development Permit Application for a gravel and/or sand pit development may, at the discretion of the Development Authority, be required to include the following policies that will apply to the development operations (notwithstanding any other provisions in this bylaw):

(a) Continuous Consultation Policy

Outline how the gravel pit operator will engage and work with the Shaftesbury Trail community on an on-going basis to prevent and mitigate issues between the community and the operator. The Policy should be consistent with the provisions of the Peace River Inter-municipal Development Plan.

(b) Issue Response Policy

Outline how the gravel pit operator will identify and respond to any issues arising in a timely and effective manner.

(c) Reporting Policy

Outline how the gravel pit operator will report annually to the Municipality regarding pit operations, communication activity between the operator and the community and issues arising.

- (7) Topsoil Removal:

In a gravel and/or sand pit development, topsoil shall be stripped and stockpiled prior to commencing operations.

- (8) Indemnification:

The Municipality may require a letter of credit in order to guarantee that the reclamation plans in excess of what has been required by and

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indemnified by the Province are carried out and completed to the satisfaction of the Municipal District. The Municipality's requirement for a letter of credit should bridge the gap between the standards set by the Municipality and the Province. The Municipality shall not require a letter of credit that duplicates the indemnification required by the Province.

The Municipality may require a letter of credit in order to enable the Municipality to enforce the conditions of the temporary permit.

(9) Review of Development Proposal:

Upon receipt of a Development Permit Application, the Development Officer shall circulate a copy of the application to Alberta Environment and Parks for comments and recommendations.

(10) For proposed gravel and/or sand pit developments located within 0.8 kilometres (0.5 miles) of a highway, the developer shall provide the Development Officer with an approved permit obtained from Alberta Transportation.

(11) The Development Officer, when reviewing a development proposal for a gravel and/or sand pit, shall follow the Guidelines and Standards for Controlling Future Gravel Pit Operations identified in the Municipal District of Peace No. 135 – Gravel Pit Study (March 8, 2011), as amended.

(12) Caretaker's Residence:

The caretaker's residence should be temporary in nature in order that the residence can be removed once the gravel and/or sand pit ceases to operate.

(13) Time Limits on Development Permits:

Development Permits issued for gravel and sand pit development in the quick extraction zone shall be time limited to one year. A permit within the quick extraction zone may be renewed annually for a period not to exceed 5 years (continuously) from the date of the initial approval.

Approvals will be granted for a specified time period, not to exceed (10) years, at the end of which the applicant will be required to apply to renew the permit in order to continue development. The Environmental Impact Assessment(s), Plans and Policies required above, may be required to be reviewed and updated as a part of the permit renewal, if any of the inputs have substantially changed.

(14) Quick Extraction Zone:

An application for a Gravel and/or Sand Pit, Quick Extraction must include the entirety of the gravel deposit within the quick extraction zone on a parcel of land. Multiple Gravel and/or Sand Pit, Quick Extraction applications on a single parcel will not be accepted.

(15) Any other requirements considered necessary by Council and/or the Development Officer.