

BYLAW NO. 10/2020

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF PEACE # 135 IN THE PROVINCE OF ALBERTA TO AMEND THE MUNICIPAL DISTRICT OF PEACE # 135 MUNICIPAL DEVELOPMENT PLAN (BYLAW NO. 5/2009)

WHEREAS Section 632 of the *Municipal Government Act, RSA 2000, Chapter M-26*, as amended, empowers Council to adopt a Municipal Development Plan, which provides for a long-term framework and policy direction with regards to future land use, growth patterns, infrastructure provision, and transportation amongst other matters within the Municipality; and

WHEREAS the Municipal District of Peace #135 adopted Bylaw No. 5/2009, being the Municipal Development Plan for the Municipality; and

WHEREAS the Municipal District of Peace #135 has deemed it necessary to amend Bylaw No. 5/2009 to update various definitions and/or policies of this document; and

WHEREAS the Council of the Municipal District of Peace # 135 has held a public hearing pursuant to sections 230, 606 and 692 of *The Municipal Government Act, RSA 2000, Chapter M-26*, as amended;

NOW THEREFORE, the Council of the Municipal District of Peace #135, duly assembled, hereby enacts as the following:

1. That the following terms are added to the list of definitions in section 1.8 of **PART 1-INTRODUCTION**:

- a. **Aggregates** means or refers to many different types of minerals in the form of products like gravel, rocks, sand, clay, shale, stone, etc. Examples include sand, gravel, clay and marl above and below the land surface that are defined as part of a landowner's surface right. Aggregate may be processed on site, or it may be hauled to another facility that does the secondary processing for off-site aggregate.
- b. **Primary Processing** means the activities that are undertaken to extract aggregate from the earth, including but not limited to site preparation. Typical uses include but are not limited to quarries, borrow areas, and gravel pits. Primary processing does not include the processing of raw materials transported to the site. Sometimes, both the excavation of resources ("extraction" or "primary processing") and processing activities, such as washing, and crushing ("secondary processing") are located on the same parcel, but in other situations, the secondary processing is completed at another location.
- c. **Extraction** means the act of mining or digging to remove minerals from the earth where a seam of deposits is naturally present. This is also referred to as primary processing. Generally, most aggregate operations involve primary processing unless they are a specialized facility that focuses only on secondary processing.
- d. **Secondary processing** means the activities following the extraction of minerals from the pit. These activities prepare the product for market, and include, crushing, screening and washing. Secondary processing creates more impacts (noise, dust, etc.) than extraction or primary processing does.

Crushing means a process where machines reduce larger rocks into smaller rocks or gravel.

Screening means a process where machines size the larger particles from the smaller particles.

Washing means a process to remove the sand, silt and other materials that accumulate on gravel during the extraction phase.

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Hauling is involved in all aggregate operations, and involves the removal of aggregate material (processed or unprocessed) from the site to another location;

2. That the following wording and numbering is added to section 9.4 of **PART 9 – NATURAL RESOURCE POLICIES:**

- 9.4.10 Before a development permit is issued, the MD may require the proponent to post a performance bond or similar security for the purpose of ensuring reclamation is completed where no similar requirement is made by a Provincial agency,
- 9.4.11 Resource extraction developments which utilize MD infrastructure may be required to participate in the maintenance and upgrading of that infrastructure if the need arises as determined by the MD, including the provision to post a performance bond for the ongoing maintenance and/or improvements to MD roads.
- 9.4.12 Haul routes for resource extraction developments shall meet the current MD road design standards and be located, to the satisfaction of the MD, in such a manner that impacts on agricultural uses and existing residential developments are minimized.
- 9.4.13 Aggregate resource extraction activities are considered an interim use rather than an ultimate or final land use within the Plan Area. Development Permit applications for sand and gravel pits shall be accompanied by any necessary approvals in accordance with Provincial legislation and may include the following at the discretion of the MD:
- (a) a detailed survey/site plan, prepared by a qualified professional to scale and identifying: the total working area of an extraction site, boundary information, existing easements and rights-of-ways, existing physical features, all buildings and improvements on and proposed for the site, proposed phasing of the operation, proposed location of berm or vegetative screening and include topographic information in sufficient detail to indicate topographic variations across the site;
 - (b) post-extraction plan indicating that reclamation of the site is viable to agricultural capability or to a post-extractive use (whichever Council feels is more beneficial), compatible with the land uses of the surrounding area, and the approximate final grades of the site following extraction of the resource;
 - (c) methods to be used to control on-site noise, dust and weeds;
 - (d) location for the storage of topsoil and overburden;
 - (e) separation distance of the resource extraction operation from any single-family residence, multi-lot residential subdivision, hamlet, or urban municipality with a suitable open space buffer;
 - (f) location of proposed haul routes and traffic safety precautions;
 - (g) a Traffic Impact Analysis identifying ingress and egress to the site, potential impacts on the Municipal road system with regard to proposed road maintenance and/or upgrading;
 - (h) Studies such as, but not exclusively, an Environmental Impact Assessment; Archaeological and Historical Impact Assessment or Visual Assessment;
 - (i) any other information deemed appropriate by the MD.

9.4.14 The MD may require a development agreement in connection with a development permit approval and a condition within that agreement may be the requirement to post security with the MD such as an irrevocable letter of credit or performance bond to ensure reclamation will be completed in a manner satisfactory to the MD and maintenance and upgrading of MD infrastructure.

9.4.15 Applications for new or expansion of existing aggregate extraction/processing operations shall be subject to redesignation to the Rural Industrial: Gravel Pit District (RI-GP) District in the Land Use Bylaw.

9.4.16 It is the policy of the MD that sand and gravel operations adjacent to the right-of-way of Shaftesbury Trail be gradually phased out in order to reduce negative impacts to the quality of life of residents in residential subdivisions adjacent to this roadway. The MD will not issue a development approval for a new or expanded operation on lands adjacent to this roadway.

3. That Bylaw No.10/2020 shall take effect on the date of its final passage by Council.

Received first reading on the 10th day of November, 2020.




Robert Willing, Reeve



Barbara Johnson, Chief Administrative Officer

A public hearing was held on the 9th day of February, 2021.

Received second reading on the 9th day of February, 2021.



Robert Willing, Reeve



Barbara Johnson, Chief Administrative Officer

Received third reading on the _____ day of _____, 2021.

Robert Willing, Reeve

Barbara Johnson, Chief Administrative Officer