

BYLAW NO. 9/2020

**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 Government Act*, RSA 2000 Chapter M-26, as amended, authorizes the Council of a municipality to enact a Land Use Bylaw to regulate and control the use and development of land and buildings within a municipality; and

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 the 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 No. 1/2012;

NOW THEREFORE, pursuant to Section 230, 606 and 692 of the *Municipal Government Act*, RSA 2000 Chapter M-26, as amended, the Council of the Municipal District of Peace No. 135 in the Province of Alberta, duly assembled, hereby enacts as follows:

AMENDMENTS

1. That **Section 1.4 – DEFINITIONS** be amended by

a. adding the following definitions:

AGGREGATE means or refers to many different types of minerals in the form of products like gravel, rocks, sand, clay, shale, stone, etc. Examples include but are not limited to sand, gravel, clay and marl above and below the land surface that are defined as part of a landowner’s surface rights. Aggregate may be processed on site, or it may be hauled to another facility that does the secondary processing for off-site aggregate.

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.

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.

b. replacing the definition for “**EXTRACTION**” with the following:

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 focusses only on secondary processing.

2. That **PART 4 – SUPPLEMENTARY REGULATIONS** is amended by adding the following section after Section **4.50 DWELLING UNIT, CARETAKER’S RESIDENCE**:

4.51 INFORMATION REQUIREMENTS FOR AGGREGATE RESOURCE EXTRACTION APPLICATIONS

The following regulations only apply to gravel and/or sand pit or gravel and/or sand pit, quick extraction development. These regulations are intended to ensure that adequate information is available to the community and Municipal District decision-makers and to assist in minimizing the conflicts associated with this use and other land uses. These regulations may be applied in the review of Development Permit applications for this use.

- (1) It is the preference of the Municipal District that sand and gravel operations adjacent to the right-of-way of Shaftesbury Trail are to be gradually phased out in order to reduce negative impacts to the quality of life of residents in residential subdivisions adjacent to this roadway. Operators/applicants must be aware that the Municipal District may not issue a development approval for a new or expanded operation on lands adjacent to this roadway.
- (2) All operators/applicants must arrange for a compulsory pre-application meeting with the Municipal District’s administration prior to submitting a Land Use Bylaw Amendment or Development Permit application to review information and consultation requirements.
- (3) A Land Use Bylaw Amendment or a Development Permit application must include all those requirements set out in this section as well as sections 3.3 and/or 4.17 of this Bylaw.
- (4) A Land Use Bylaw Amendment or a Development Permit application shall include a copy of all plans and permits as required by Provincial Authorities and the Development Authority.
- (5) The Development Authority may require an operator to provide an Environmental Impact Assessment that addresses, but is not limited to, the following (notwithstanding any other provisions in the LUB):
 - (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 the Provincial Authority;
 - (j) Community Consultation process and Results; and
 - (k) Any other report, plan or study the Development Authority deems necessary to make a decision on an application.

(6) The Development Authority may require an operator/applicant to provide the following plans (notwithstanding any other provisions in this Bylaw):

(a) Activities Plan

An Activities Plan must include the following:

- i. A general introduction to the proposed development including:
 1. Type of operation, i.e., dry pit, wet pit, crushing and screening, sand and gravel washing or other;
 2. Estimated duration of the operation;
 3. If applicable, federal and provincial approvals for development of site and on-going operations;
 4. Project phasing.
- ii. The development rationale
 1. Public benefit from operation.
 2. Municipal benefit from operation.
- iii. The characteristics of the site
 1. Development area characteristics and site location within the Municipal District (include legal land description and location of existing pit areas, if applicable). The applicant should also provide an Orthophoto of the Development Area that includes excavation pit area and property boundaries, existing buildings within the operations area, existing access/egress, major roadways, and water courses/bodies.
 2. The proposed locations of topsoil and overburden stockpiles and gravel stockpiles, including the proposed distances between the stockpiles.
 3. The proposed location of all processing facilities, crusher, washing sites and plants.
 4. The proposed access points to the site from a road network.
 5. The proposed road network within the site highlighting existing facilities such as power lines and pipeline rights-of-way within and in the immediate vicinity of the development area.
 6. The location of all significant topographical features (watercourses, water bodies, topography, etc.) within the boundaries of the parcel.
 7. Any proposed site servicing.
- iv. The guidelines and plan for the aggregate extraction including phasing.

- v. The operator's daily operations procedures and policies with respect to:
 1. Proposed days and hours of operation.
 2. Proposed hauling activities and roads.
- vi. The actions and policies to mitigate impacts identified in an assessment of the proposed operation, including, but not limited to, dust, emissions, noise, weeds, soil erosion, and storm water management.

(b) Landscaping Plan

A 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

A 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.

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

- (7) A Land Use Bylaw amendment application for redistricting to the appropriate land use district that has gravel and/or sand pit or gravel and/or sand pit, quick extraction as a use or a Development Permit application, if the operation is located on land already districted for those uses.

- (8) The following policies will be adhered to by the operator to the satisfaction of the Municipal District:

(a) Continuous Consultation Policy

The operator is to outline how they intend to consult and work with residences in vicinity (1.6 km (1.0 miles)) of the operation to prevent or mitigate issues between those residences and the operator.

(b) Issue Response Policy

The operator is to outline how they will identify and respond to any issues arising in a timely and effective manner.

(c) Reporting Policy

The operator will report annually to the Municipal District on their operations, communication activity between them and residences within 1.6 km (1.0 miles), and issues that occurred during operations.

- (9) **Topsoil Removal**
Topsoil is to be stripped and stockpiled in a designated location identified within an Activities Plan. Stripping and stockpiling is to be completed prior to commencing operations within the area designated for a pit.
- (10) **Indemnification**
A letter of credit may be required by the Municipality in order to guarantee that the reclamation plans in excess of what has been required by and indemnified by the Province are carried out and completed to the satisfaction of the Municipal District. The Municipal District's requirement for a letter of credit is to bridge the gap between the standards set by it and the Province. The letter of credit for the Municipal District does not need to duplicate the value of the indemnification required by the Province.
- (11) The Municipal District may require a letter of credit in order to enable it to enforce the conditions of a temporary permit.
- (12) **Review of Development Proposal**
The Development Officer shall forward a copy of a Development Permit application deemed to be complete to the Provincial Authority for comments and recommendations.
- (13) Where a proposed operation or expansion is to occur within 0.8 kms (0.5 miles) of a highway, the operator/applicant is responsible for submitting a copy of a Roadside Development Permit from the Provincial Authority to the Development Officer as part of the Development Permit application.
- (14) The Development Officer shall follow the publication titled *Guidelines and Standards for Controlling Future Gravel Pit Operations (2011)*, as amended.
- (15) **Caretaker's Residence**
A 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.
- (16) **Time Limits on Development Permits**
A Development Permit issued within the quick excavation zone shall be time limited to a period of one year. A Development Permit within the quick extraction zone may be renewed annually for a period not exceeding five (5) years (continuously) from the date of the initial approval or, where applicable, from the date of a decision by the Subdivision and Development Appeal Board or the Municipal Government Board.
- (17) Approvals will be granted for a specified time period, not exceeding ten (10) years, at the end of which the operator/applicant will be required to apply to renew the permit in order to continue development. The Municipal District may require the operator/applicant to update previous studies provided for the initial application. The Municipal District will determine this requirement during the review of the

Development Permit application.

(18) Quick Extraction Zone

An application for a Gravel and/or Sand Pit, Quick Extraction must include the entirety of the gravel or sand deposit within the quick extraction zone on a parcel of land. The Municipal District shall not accept multiple gravel and/or sand pit, Quick Extraction applications on a single parcel.

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

(20) The operator/applicant is responsible for obtaining a haul road use agreement with the Municipal District. The Development Permit will not be issued until that agreement is approved by the Municipal District.

3. That Section 5.2 LAND USE DISTRICTS in **PART 5 – LAND USE DISTRICT REGULATIONS** is amended by deleting the words “Rural Industrial: Shaftesbury Trail Gravel Pit District (RI-SG)” from the list of land use districts.
4. That Schedule “B” in **PART 5 – LAND USE DISTRICT REGULATIONS** is amended by deleting the column “Rural Industrial: Shaftesbury Trail Gravel Pit District (RI-SG)” from Schedule “B”.
5. That Subsection 5.3 (C) DISCRETIONARY USES under Section 5.3 CROWN LAND MANAGEMENT (C) in **PART 5 – LAND USE DISTRICT REGULATIONS** is amended by adding the use “gravel and/or sand pit, quick extraction” to the list of discretionary uses in the district.
6. That Subsection 5.10 (C) DISCRETIONARY USES under Section 5.10 RURAL INDUSTRIAL: GRAVEL PIT DISTRICT (RI-GP) in **PART 5 – LAND USE DISTRICT REGULATIONS** is amended by adding the use “gravel and/or sand pit, quick extraction” to the list of discretionary uses in the district.
7. That Section 5.17 RURAL INDUSTRIAL: SHAFTESBURY TRAIL GRAVEL PIT DISTRICT (RI-SG) in **PART 5 – LAND USE DISTRICT REGULATIONS** is deleted in its entirety.
8. That Section 7.1 APPLICATIONS TO AMEND THE BYLAW in **PART 7 – AMENDING THE BYLAW** is amended by adding the following subsection:
 - (5) A person who is refused a Land Use Bylaw amendment application by Council must wait for a minimum period of one (1) year from the decision date before submitting a new application for the same type of amendment.

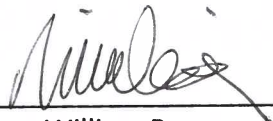
SEVERABILITY

9. That if any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.


EFFECTIVE DATE

10. That this Bylaw shall come into force and have effect on the date of third and final reading.

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



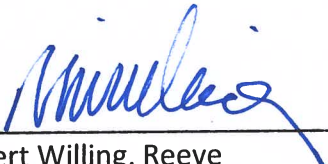
Robert Willing, Reeve



Barbara Johnson, Chief Administrative Officer

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

Second reading given on the 9th day of February, 2021.



Robert Willing, Reeve



Barbara Johnson, Chief Administrative Officer

Third Reading given on the _____ day of _____, 2021.

Robert Willing, Reeve

Barbara Johnson, Chief Administrative Officer