

**BYLAW 1662/24
LAND USE BYLAW AMENDMENT
STURGEON COUNTY, ALBERTA**

A BYLAW OF STURGEON COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF AMENDING LAND USE BYLAW 1385/17.

WHEREAS, the *Municipal Government Act*, RSA 2000 c M-26, any regulations thereunder, and any amendments or successor legislation thereto, authorize Council to establish and amend Land Use Bylaw 1385/17;

AND WHEREAS, the Council of Sturgeon has deemed it desirable to amend Land Use Bylaw 1385/17;

AND WHEREAS, the Council of Sturgeon has deemed it desirable to repeal Bylaw 653/89 - Permit System to Control the Removal of Topsoil from the Land;

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled, enacts as follows:

1. Title

1.1 This Bylaw may be referred to as the "Site Grading Amendments 2025".

2. Purpose

2.1 The purpose of this Bylaw is to amend the Land Use Bylaw, to improve and clarify site grading regulations.

3. Land Use Bylaw 1385/17 is amended as follows:

3.1 Amend 1.6 Terminology to add:

Clean Fill means soil that has been excavated from uncontaminated sites that cannot or will not be reused at the site where the soil was excavated. This soil must meet the following criteria: naturally occurring clay, silt, sand, gravel and rocks up to 6 inches. Clean fill cannot contain any debris or any of the following materials: sod and grass; wood, branches and twigs; large rocks; garbage; construction materials; processed materials such as compost; dried hydro-vac processed residue; engineered fill products; re-used or recycled aggregate products; dried pond sediments; water treatment sludge; pea gravel; etc.; and mixed loads containing any of the above material.

3.2 Amend 1.6 Terminology to add:

Construction Fill - is material that has been procured from a supplier. This may be aggregates such as sand, marl or gravel or otherwise engineered or processed. Construction fill cannot contain any debris or any of the following materials: sod and grass; wood, branches and twigs; garbage; construction materials; processed materials such as compost; dried hydro-vac processed residue; re-used or recycled aggregate products; dried pond sediments; water treatment sludge; etc.; and mixed loads containing any of the above material. Construction fill is not earth or soil.

- 3.3 Amend 1.6 Terminology to add:
- Marginal Fill* – is earth material that contains debris including sod and grass; wood, branches and twigs, and large rocks; But does not contain garbage; construction materials; processed materials such as compost; dried hydro-vac processed residue; engineered fill products; re-used or recycled aggregate products; dried pond sediments.
- 3.4 Amend 1.6 Terminology to add:
- Pre-Subdivision Multi-lot* means residential land that is being prepared for future multi lot residential development.
- 3.5 Amend 1.6 Terminology to add:
- Recycled Fill* – Is processed material such as re-used or recycled aggregate products, construction materials, dried sediments etc. that is classified as a beneficial use of waste by the Waste Control Regulation or has been otherwise approved as uncontaminated by a qualified professional.
- 3.6 Amend 1.6 Terminology to read as:
- Site Grading* means any work, operation or activity resulting in a disturbance of the earth. This includes but is not limited to the removal of topsoil or borrow, the stockpiling, excavating, trenching, backfilling, filling, land leveling, recontouring and grading ~~other than for the purpose of an approved development~~. This does not include tree clearing, dugouts or the installation or removal of any landscaping.
- 3.7 Amend 1.6 Terminology to add:
- Topsoil* – means the A Horizon of soil as defined in the Field Handbook for the Soils of Western Canada or as otherwise identified by a qualified professional.
- 3.8 Amend 1.6 Terminology to add:
- Waste* – As defined by the Waste Control Regulation.
- 3.9 Amend Paragraph 2.3.1(o) to read as:
- Grading stripping, site grading, stockpiling or excavating that is part of a development for which a development permit has been issued or in accordance with an executed *Development Agreement*;
- 3.10 Replace Section 5.10 grading, stripping and stockpiling to read as:
- 5.10 GRADING
1. General
- a. The *Development Authority* shall consider applications that only include *Grading* as a discretionary use within the relevant land use district of this Bylaw unless otherwise exempted.
- b. A development permit is required for *Grading* if the project involves any of the following unless otherwise stated:
- i. the infill of a dugout;

- ii. the parcel is located within a flood risk area;
 - iii. the excavation or infill of land is within or disturbing a natural wetland or drainage course;
 - iv. the project may impede, interfere or redirect with the natural flow of surface water onto adjacent lands or in public ditches;
 - v. the proposed recontouring of land changes the grade by more than 0.60m (2.0ft), including stockpiling or removal of soil;
 - vi. the excavation or infill of land is located within 10m (32.8ft) of a parcel line;
 - vii. the site grading disturbance involves an area of more than 4,000m² (0.4ha) (43,055ft²) or affects a volume of more than 2,400m³; or
 - viii. earth material is removed from the site.
- c. In addition to the application requirements for a development permit, a developer may also be required to provide additional information, including but not limited to:
- i. a pre-development site survey showing the existing conditions of the land to include topography, vegetation, drainage channels or ditches, natural wetlands and water courses.
 - ii. a site plan showing the location and dimensions of the disturbed area with setbacks to parcel lines, the direction of flow of existing and proposed surface drainage with proposed grade elevations, proposed berm location with specifications (height/width) and existing or proposed access.
 - iii. the source and volume of fill to be removed from or brought onto the site.
 - iv. a temporary stockpile location plan.
 - v. a detailed description of the operation or development with proposed start and end date of the project to the satisfaction of the Development Authority; and
 - vi. Erosion and Sediment Control Plan if required by the General Municipal Servicing Standards.
- d. Written consent or approval from the province shall be provided to the County prior to grading activity occurring on the parcel if a natural drainage course or wetland is affected as defined under the Water Act. A Wetland Assessment and Impact Report (WAIR) may be required to be submitted as part of an application.
- e. Filling in excess of 1.5m in depth is considered a deep fill, and a restrictive covenant may be required to be registered on title in accordance with General Municipal Servicing Standards.
- f. On Development sites that contain higher value soil than the proposed fill material, the higher value soil shall be stripped and stockpiled on the site prior to placement of fill material for reclamation of the site or used in landscaping.
- g. The developer shall be responsible for obtaining and coordinating all aspects of utility crossing or proximity agreement(s), as needed, at their sole expense.
- h. A Road Use Agreement shall be entered into with the County if the development requires heavy vehicle hauling of material that exceeds five (5)

- trips (~50m³) to or away from the same destination or project in a 24-hour period, or more than 12 trips (~120m³) over three or more days.
- i. Stockpiling shall only be considered on a temporary basis. The stockpiling of any materials that does not form an integral part of a wider development proposal on the parcel, that, in the opinion of the Development Authority, will create a visual detriment to the surrounding area, shall not be permitted.
 - j. Drainage measures undertaken as part of a development shall not negatively impact adjacent parcels by way of flooding or inundation through the redirection of surface water. If the drainage of a development is found to affect adjacent parcels, all mitigating measures required to remedy the problem including drainage structures, drainage easements and retaining walls shall be at the sole expense of the landowner of the parcel where the mitigating measures are required.
 - k. The developer shall provide a grading security deposit in accordance with the County's Fees and Charges Bylaw, as amended.
 - l. An as-built grading drawing prepared by a qualified professional may be required.
2. Material
- a. If topsoil is proposed to be removed from the site or otherwise disrupted, a county Soil Conservation Officer shall review and render a decision that may include conditioning of decisions on topsoil removal in accordance with the Soil Conservation Act.
 - b. Any material brought onto a parcel may, at any time, require soil testing to ensure compliance with best practices. This may include testing for agricultural soil borne pests (including, but not limited to Clubroot of Canola), hydrocarbons, or Tier 1 or 2 soil analysis to be completed by an accredited laboratory and/or qualified professional at the sole expense of the developer, and the results be submitted to the County.
 - c. Material with sample results found to contain agricultural soil borne pests, or hydrocarbons and soil analysis that exceed regulatory limits or best practices shall be removed, remediated or managed to the satisfaction of the Development Authority at the Developer's sole expense.
 - d. Clean fill or Marginal fill proposed to be brought into a parcel shall be tested for agricultural soil borne pests and a Tier 1 soil analysis to be completed by an accredited laboratory and/or qualified professional at the sole expense of the developer prior to hauling. Additional tests shall be required, if the volume of material is significant or fill is procured from additional sites.
 - e. Only Clean fill or Marginal fill may be used for *Grading* on agricultural land used for the purposes of growing crops or raising of livestock.
 - f. Construction Fill proposed to be brought into a parcel shall provide a Safety Data Sheet specific to the product to the county and may be required to be included within a drawing detailing how the product will be used.

- g. Recycled Fill proposed to be brought into a parcel shall be accompanied by a report by a qualified professional stating the product is nonhazardous, a Safety Data Sheet shall be provided and baseline Tier 1 soil analysis of the site to the satisfaction of the Development Authority shall be provided prior to hauling. Waste not approved in such a matter shall be removed to an authorized waste management facility and the site reclaimed.
3. Commercial, Industrial, and Institutional
- a. These regulations apply to all lands districted under Part 14, 15, 16 and comparable Direct Control districts under Part 17.
 - b. The Development Authority shall consider applications for *Grading* as a permitted use within the relevant land use district of this Bylaw.
 - c. In addition to the application requirements for a development permit, a developer may also be required to provide additional information including but not limited to:
 - i. a pre-development site survey showing the existing conditions of the land to include topography, vegetation, drainage channels or ditches, natural wetlands and water courses;
 - ii. a site plan showing the location and dimensions of the disturbed area with setbacks to parcel lines, the direction of flow of existing and proposed surface drainage with proposed grade elevations, proposed berm location with specifications (height/width) and existing or proposed access.
 - iii. Cut – Fill Plan illustrating the proposed cut, and fill requirements, existing and proposed contour elevations (existing contours at 0.5m intervals preferred, not to exceed 1.0m maximum)
 - iv. Stormwater Management Plan to address capacity of existing systems and requirements to accommodate new flows with supporting calculations.
 - v. Erosion and Sediment Control Plan if required by the General Municipal Servicing Standards.
 - d. *Grading* under this section shall adhere to an approved Stormwater Management Plan/Lot Grading Plan and an as-built drawing shall be required as a condition of development.
4. Residential
- a. These regulations apply to all lands districted under Part 12, 13 and comparable Direct Control districts under Part 17.
 - b. The Development Authority shall consider applications for *Grading* for Pre-Subdivision Multi-lot as a permitted use within the relevant land use district of this Bylaw.
 - c. A developer *Grading* for a Pre-Subdivision Multi-lot shall be required to provide additional information including but not limited to:
 - i. a pre-development site survey showing the existing conditions of the land to include topography, vegetation, drainage channels or ditches, natural wetlands and water courses;

- ii. a site plan showing the location and dimensions of the disturbed area with setbacks to parcel lines, the direction of flow of existing and proposed surface drainage with proposed grade elevations, proposed berm location with specifications (height/width) and existing or proposed access.
 - iii. Cut – Fill Plan illustrating the proposed cut, and fill requirements, existing and proposed contour elevations (existing contours at 0.5m intervals preferred, not to exceed 1.0m maximum)
 - iv. Stormwater Management Plan to address capacity of existing systems and requirements to accommodate new flows with supporting calculations.
 - v. Erosion and Sediment Control Plan if required by the General Municipal Servicing Standards.
 - d. A development permit is required for *Grading* and the Development Authority shall consider applications that only include *Grading* as a discretionary use within the relevant residential land use district of this Bylaw. if the project involves any of the following:
 - i. the proposed recontouring of land changes the grade by more than 0.1m and the excavation or infill of land is located within 1m of a parcel line; or
 - ii. the site grading disturbance involves an area of more than 1000m² (0.1ha) (10,764ft²) or affects a volume of more than 100m³. Or
 - iii. the proposed recontouring of land would affect volume, direction or velocity of surface drainage or stormwater runoff.
 - e. In addition to the application requirements for a development permit, a developer shall provide a Lot Grading Plan prepared and stamped by a qualified professional unless an approved Overall Stormwater Management/Lot Grading Plan is in current effect for the parcel.
 - f. Grading of Residential parcels shall adhere to an approved Overall Stormwater Management/Lot Grading Plan and be in accordance with General Municipal Servicing Standards.
 - g. At any time, a landowner may be required to submit a Lot Grading Certificate, at the landowner's sole expense, if unauthorized alterations appear to result in surface drainage conflicts for neighbouring parcels or County rights of way.
 - h. Notwithstanding the above, requirements for a Lot Grading Plan may be exempted if, in the opinion of the Development Authority, the proposed development would not negatively impact grades or stormwater runoff.
- 4. Bylaw 653/89 is repealed.
- 5. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the Bylaw is deemed valid.

6. This Bylaw shall come into force upon being passed.

Read a first time this ____ day of _____, 2025.

Read a second time this ____ day of _____, 2025.

Read a third time this ____ day of _____, 2025.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

DATE SIGNED