

**BYLAW 1665/24
AMENDMENT TO LAND USE BYLAW 1385/17
STURGEON COUNTY, MORINVILLE, ALBERTA**

A BYLAW OF STURGEON COUNTY, MORINVILLE, 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.

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

1. Title

- 1.1. This Bylaw may be referred to as the “Redistricting a portion of NE-19-54-26-4, NW-20-54-26-4, NE-20-54-26-4, SW-20-54-26-4, SE-20-54-26-4, SW-21-54-26-4 and NE-17-54-26-4 from “RE – Resource Extraction” and “AG – Agriculture” to “RE-DC2 – Resource Extraction Direct Control District 2”

2. Purpose

- 2.1. The purpose of this Bylaw is to redesignate the land use district of the parcel subject to this Bylaw.

3. Application

- 3.1. Land Use Bylaw 1385/17 is amended as follows:
 - a. That the portion of land within NE-19-54-26-4, NW-20-54-26-4, NE-20-54-26-4, SW-20-54-26-4, SE-20-54-26-4, SW-21-54-26-4 and NE-17-54-26-4, as shown in Schedule “A”, be redistricted from “RE – Resource Extraction” and “AG – Agriculture” to “RE-DC2 – Resource Extraction Direct Control District 2”.
 - b. That Part 19.2 Schedule 1 – Land Use District Map be changed to reflect the redistricting for the portion of land within NE-19-54-26-4, NW-20-54-26-4, NE-20-54-26-4, SW-20-54-26-4, SE-20-54-26-4, SW-21-54-26-4 and NE-17-54-26-4, as shown in Schedule “A”.

4. Severability

- 4.1. 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.

5. Effective Date

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

Read a first time this ____ day of _____ 20____.

Read a second time this ____ day of _____ 20____.

Read a third time this ____ day of _____ 20____.

MAYOR

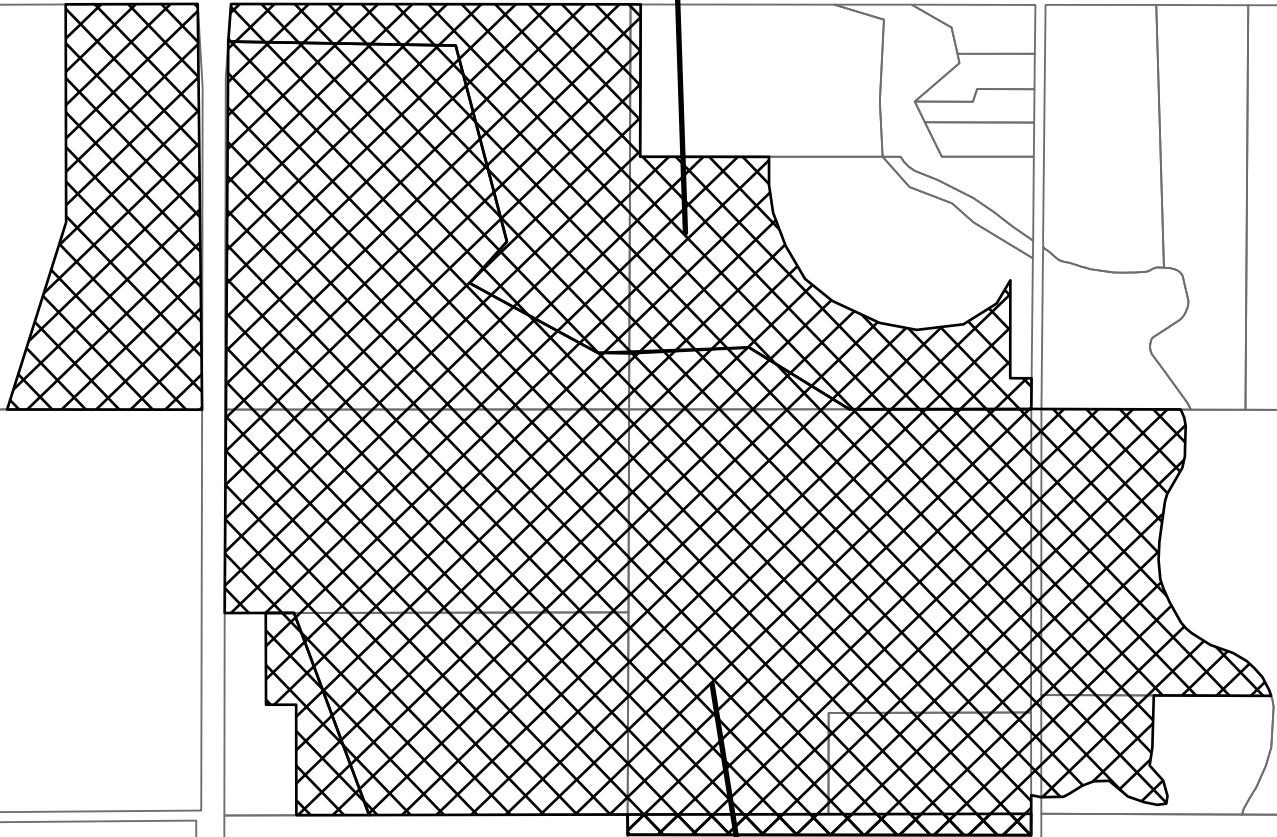
CHIEF ADMINISTRATIVE OFFICER

DATE SIGNED

SCHEDULE "A"



**REDISTRIBUTE FROM
"AG - AGRICULTURE"
DISTRICT
TO
"RE-DC2 - RESOURCE EXTRACTION -
DIRECT CONTROL 2" DISTRICT**



Subject Legal Land Descriptions:

NE-19-54-26-W4

NW & SE-20-54-26-W4

Portion of NE & SW-20-54-26-W4

Portion of SW-21-54-26-W4

Portion of NE-17-54-26-W4

**REDISTRIBUTE FROM
"RE - RESOURCE EXTRACTION"
DISTRICT
TO
"RE-DC2 - RESOURCE EXTRACTION -
DIRECT CONTROL 2" DISTRICT**

RE-DC2 – RESOURCE EXTRACTION - DIRECT CONTROL DISTRICT 2 – PT. Section 20-054-26-W4M and PT. NE-19-054-26-W4M, and PT. SW 21-054-26-W4M

.1 General Purpose

The purpose of this district is to provide for the extraction and processing of on-site natural resources that, due to their unique characteristics and/or site conditions, require specific direction unavailable in the conventional RE – Resource Extraction District and allows for reduced setbacks and specific performance and development standards as determined by Council.

.2 Uses

Permitted Uses	Discretionary Uses
<i>Accessory, building</i>	<i>Temporary asphalt plant</i>
<i>Accessory, use</i>	<i>Temporary concrete batch plant</i>
<i>Natural resource extraction</i>	<i>Data Processing Facility</i>
<i>Secondary processing</i>	
<i>Temporary asphalt plant within SE-20-054-26 W4M</i>	

.3 Decision Making Authority

In this district, the Decision-Making Authority is the Development Authority and the Subdivision Authority.

.4 Development Regulations for Natural Resource Extraction and Secondary Processing Uses

- (a) Natural resource extraction activities having a disturbance area of less than 5.0ha (12.4ac) on a parcel at any time, including any associated infrastructure, stockpiles connected with the pit shall not be permitted.
- (b) The *operating area of natural resource extraction* and/or *a secondary processing use* shall adhere to the following setbacks, as illustrated on the Surrounding Residence Plan Set.
 - i. 59.6 m (196 ft) from the residence within the SW-20-054-26 W4M (LINC 0023 031 230)
 - ii. 356.9 m (1171 ft) from the residence within the SE-30-054-26 W4M (LINC 0013 606 579)
 - iii. 43.6 m (143 ft) from the residence within the SW-29-054-26 W4M (LINC 0029 198 140)
 - iv. 127.7 m (419 ft) from the residence within the SE 29-054-26-W4M (LINC 0023 031 313)
 - v. 154.5 m (507 ft) from the residence within the NE-20-054-26 W4M (LINC 0021 223 565)
91.8 m (301 ft) from the residence within the Block 1 Plan 3310RS (LINC 0019 234 889)
 - vi. Distances from the operations to dwellings constructed after the date of the adoption of this Bylaw shall not be considered.

- (c) Mining sequences shall be planned to commence extracting the resources and progressively reclaim in areas that pose the most impact to adjacent dwellings and identified sensitive areas.

.5 Additional Development Regulations

- (a) All development in this district is subject to the regulations stated in Parts 5 through 9 of this Bylaw.

.6 Landscaping Regulations

- (a) Restricted and noxious weeds are to be controlled by the developer to prevent the spread of weeds to neighbouring lands in accordance with provincial regulations.

.7 Site Access and Traffic Regulations

In addition to the Parking Regulations contained in Part 9 of this Bylaw, the following regulations shall apply to all development in this district:

- (b) All access to the operating area of the pit shall be approved by the Development Authority. Access to the development areas shall be developed in a manner that ensures safe and efficient truck movement and adequate site drainage. All access to development areas and/or off-site improvements are at the sole expense of the developer.
- (c) For development areas located within 0.8km (0.5mi) of a highway, the developer shall provide the Development Authority with an approved permit obtained from Alberta Transportation.
- (d) A road use agreement, between the County and the developer of a natural resource extraction and/or secondary processing use shall be required (where Sturgeon County roads will be utilized) and shall be a condition of the development permit, and shall include the following terms and conditions:
 - i. The speed of haul vehicles shall be limited to 60km/h, or a different speed as identified in a road use agreement for safety purposes.
 - ii. The developer shall maintain the roads daily during operations haulage. This maintenance shall keep the road surfaces in the same condition as they were prior to operations commencing.
 - iii. No engine retarder brakes shall be allowed:
 - A. within 500 meters of a dwelling unit, and
 - B. where signs prohibit the use of engine retarder brakes
 - iv. The developer is responsible for dust suppression on all gravel surfaced roads that will be used under a road use agreement.
 - v. All drivers must be provided with an orientation to the requirements of hauling and road use agreement provisions in Sturgeon County.
 - vi. The overloading of any trucks is strictly prohibited.
 - vii. All loaded sales trucks shall be covered by tarps.
 - viii. The road use agreement shall also include haul routes, anticipated maintenance, dust control methods, security, signage, and participation in the Alberta Sand and

Gravel Association's Central Truck Registry numbering system and other related clauses and provisions deemed necessary by Sturgeon County.

.8 Stripping

Topsoil shall be stripped and stockpiled on-site for future reclamation prior to commencing operations.

.9 Reclamation

A proposal to reclaim a *natural resource extraction* or *secondary processing* area shall be included in the development permit application.

.10 Operational Hours

- (a) *Natural resource extraction* may operate 24 hours a day, seven days a week.
- (b) *Secondary processing* may operate 24 hours a day, seven days a week.
- (c) *Temporary asphalt plants within SE-20-054-26 W4M* may operate 24 hours a day, seven days a week.

.11 Hours for Hauling

The removal of natural resources from the pit location (hauling) may take place 24 hours a day, seven days a week.

.12 Dust and Noise

- (a) The *developer* shall:
 - i. Prevent noise from becoming an annoyance to adjacent landowners at the request of, and to the satisfaction of the Development Authority. Required prevention may include, but not be limited to, utilizing noise reducing mufflers on haul trucks, locating stockpiles and berms to act as sound barriers to impacted areas and using methods of minimizing or reducing noise created by machinery and equipment related to the natural resource extraction or secondary processing use.
 - ii. Perform mitigation measures to limit the movement of dust from the pit.

.13 Water Requirements for Natural Resource Extraction and Secondary Processing Uses

- (a) Adherence is required to Sturgeon County's Groundwater Management Plans and Ground Water Monitoring Program, where applicable.

.14 Application Requirements

A *development permit* application for *natural resource extraction* and *secondary processing* shall include, but is not limited to the following:

- (a) A copy of the application for registration under the *Code of Practice for Pits*,
- (b) A copy of any application for approvals under the *Water Act*, and

- (c) Supplemental information addressing those stated under Subparagraph .4 to .13 of this (REDC2) Bylaw.

.15 Community Communication Requirements for *Natural Resource Extraction* and *Secondary Processing* Uses

- (a) The *developer* of all their *natural resource extraction* and *secondary processing* operations shall be required as a condition of the development permit to host a community event annually to engage with surrounding communities.
- (b) The community event shall adhere to the following criteria.
 - i. The *developer* must host a community event and invite all landowners:
 - A. within 1.6km(1mi) of the boundaries of the parcel where natural resource extraction or secondary processing has been approved; and
 - B. adjacent to haul routes for the natural resource extraction or secondary processing operation, as identified in related road use agreements.
 - ii. Notice of the community event must be mailed a minimum of two (2) weeks in advance of the open house (invitations must be postmarked a minimum of 14 days prior to the date of the Sturgeon County Land Use Bylaw 1385/17 [Consolidated Version] 88 community event); and provide an alternate opportunity for information provision and discussion for those community members unable to attend the community event.
 - iii. The community event must be hosted with a minimum of one (1) representative from Sturgeon County's administration in attendance.
 - iv. The community event must include an opportunity for residents to ask questions and discuss topics of interest with the developer.
 - v. A report summarizing the results of the community event must be provided to Sturgeon County within three months of the date of the community event.
- (c) The developer must provide landowner communications on a semi-annual basis.
- (d) These semi-annual landowner communications must:
 - i. be sent by mail;
 - ii. be sent to all landowners of parcels:
 - A. adjacent to the haul route, and
 - B. that are located within 1.6km of the parcel with natural resource extraction or secondary processing operations.
 - iii. Provide updates on relevant information about the operation, including but not limited to:
 - A. updates on quarterly monitoring or reporting results, and
 - B. any changes or updates regarding the operation that may affect or be noticed by surrounding parcels.
- (e) The developer must post signage on the parcel on which natural resource extraction or secondary processing is occurring or expected to occur. The sign placed shall:
 - i. be a condition of the development permit for a natural resource extraction or secondary processing, and not require a separate sign permit under this Bylaw;
 - ii. identify the purpose for which the lands are to be used;
 - iii. identify the location where additional information may be obtained;

- iv. identify the company name and contact information where the public may discuss and request information, and
- v. be placed in a location easily visible to the public.

.16 Approval Timelines

- (a) Development permits for the purpose of natural resource extraction and secondary processing in the County are issued for five years and will require a new permit (renewal) every five years thereafter until a final reclamation certificate is received from the Provincial Government.
 - i. A report prepared by a practicing professional shall be submitted with a development permit application for renewal addressing progression of pit activities, amendments to any previous approvals and the estimated lifespan of the pit.
- (b) Natural resource extraction and secondary processing operations that currently hold a valid development permit as of the date of adoption of this Bylaw are permitted to continue. Once the development permit has expired or where an amendment to the operation is proposed, a new development permit shall be required and is subject to the provisions of this Bylaw.

.17 Other

The developer must enter into:

- (a) Development Agreement and
- (b) Road Closure agreement for Range Road 264.

with the County between the County.