

# BYLAW 1644-20

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## BEING A BYLAW OF THE COUNTY OF STETTLER NO. 6, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF AMENDING LAND USE BYLAW NO. 1433-10

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**WHEREAS** the County of Stettler No. 6 adopted Bylaw No. 1433-10, being the Land Use Bylaw, to regulate the use and development of land and buildings in the County of Stettler No. 6 and to establish the authorities required to exercise the related powers, functions and duties on behalf of the County, pursuant to Part 17 of the Municipal Government Act;

**AND WHEREAS** the County of Stettler No. 6 deems it advisable to amend the Land Use Bylaw;

**AND WHEREAS** pursuant to section 191 of the *Municipal Government Act* a council is authorized to amend a bylaw;

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

(1) Bylaw 1433-10, the Land Use Bylaw, is amended as follows:

(a) By adding a new section 17.8 after section 17.7 as follows:

“Where an applicant is required to submit a report or study that is required to be prepared or reviewed by an expert or professional, including, but not limited to, a professional engineer, architect, arborist or Alberta Land Surveyor, the Development Authority or Subdivision Authority may, in their sole opinion, determine whether the expert or professional is properly qualified or whether the information submitted by the expert or professional is sufficient for the intended purpose and may reject information on either basis. The Development Authority or Subdivision Authority may require that the individual who prepared or reviewed the report or study to supply proof of their credentials and qualifications for this purpose.”

(b) By deleting “**Sand, Gravel and Surface Mineral Extraction**” from Section 8.1 and replacing it with the following:

“**Sand, Gravel and Surface Mineral Extraction**” means the extraction of aggregate materials found on or under the subject site and may include the processing (i.e. crushing, washing, cleaning, sifting, sorting, combining with other aggregates, stockpiling, and/or packaging in preparation for hauling) of aggregate materials extracted from the subject site. This use includes the loading and hauling of aggregates off-site as well as the reclamation of the site. Typical uses include, but are not limited to, gravel pits, sand pits, clay pits, coal mining, and stripping of topsoil. This use does not include on-site sales of aggregate material.

(c) By deleting “**Sand, Gravel and Surface Mineral Processing**” from Section 8.1 and replacing it with the following:

“**Sand, Gravel and Surface Mineral Processing**” means the processing (i.e. crushing, washing, cleaning, sifting, sorting, combining with other aggregates, stockpiling, and/or packaging in preparation of hauling or sales) of aggregate materials. This use includes the loading and hauling of aggregates off-site as well as the on-site sales of aggregate material. This use does not include aggregate extraction.

(d) By deleting the heading preceding section 60.8 and replacing it with the following:

***Extraction and Processing of Sand, Gravel and Other Surface Minerals***

(e) By deleting section 60.8 and replacing it with the following:

“60.8 (1) In addition to the completed application form and the plans and information required by section 17 of this Bylaw, if a development permit application is for a Sand, Gravel, and Surface Mineral Extraction use, the following plans and information are also required to be submitted as part of the application:

A development plan that includes:

a description of the project which shall include, but is not limited to,

- (i) a detailed map showing the location of the “disturbance area” consisting of the excavation and any associated works such as stockpiles, infrastructure and parking and loading areas;
- (ii) a description of the aggregate resource to be extracted, the estimated volume of the proposed extraction, and the estimated life of the project;
- (iii) the size of the “disturbance area” in hectares;
- (iv) an image showing the existing topography and drainage conditions indicating both present and future contours above and below water level and a qualified engineer’s opinion on the effect of the works on groundwater flows in the area;
- (v) a phasing diagram demonstrating the sequential plans for site development and operation;
- (vi) line-of-sight data from the “disturbance area” to all residential uses within a minimum distance of 400.0 m (1312.34 ft) or as otherwise determined by the Development Authority;
- (vii) expert reports on air quality and noise and the resultant impacts of the development on existing residences within 400.0 m (1312.34 ft) of the “disturbance area” or as otherwise determined by the Development Authority;

an operating plan which shall include the proposed:

- (i) days of the week and hours of the day of operation;
- (ii) types and amount of equipment and vehicles to be used on-site;
- (iii) haul routes both on-site and off-site;
- (iv) plan respecting pit water which, for clarity, is any water that accumulates in the pit, is extracted from the pit, or is used at the pit but does not include domestic wastewater;
- (v) plan to mitigate dust, noise, visual blight, light pollution, and offsite contamination (tracking of mud on public roads, for example);
- (vi) plan for weed, vegetation, and erosion management;
- (vii) screening, fencing, signage, and security plan;
- (viii) a contact person or persons and their contact details, whom the County can contact in regards to any issues arising from the development; and

a plan for the reclamation of the site, prepared by a qualified professional, which, at a minimum, shall include:

- (i) a phasing diagram showing the phasing scheme for the reclamation including the time frame when reclamation will be completed;
- (ii) a topographic map with a minimum contour index of 1.0 m, showing the predicted contours and drainage of the site after completion of the reclamation;
- (iii) the potential end land use and details relating to any land uses that may be effected as a result of the project;
- (iv) details related to subsoil and topsoil replacement and compaction;
- (v) the re-vegetation to be used on the reclaimed site; and
- (vi) the estimated cost for reclamation, including the estimated costs for each phase; and

If necessary, in the opinion of the Development Authority, the following assessments and studies shall also be provided:

an Environmental Impact Assessment;

a Traffic Impact Assessment;

a Wetland Assessment;

an overview and assessment of the historical resources of the site;

written proof of approval by *Alberta Environment and Parks* including registration number if applicable;

copies of any other information, details, or studies that were required by other regulatory approval agencies with jurisdiction over an aggregate extraction use; and

Any other additional information the Development Authority deems necessary in order for the application to be considered complete.

60.8 (2) In addition to the completed application form and the plans and information required by section 17 of this Bylaw, if a development permit application is for a Sand, Gravel, and Surface Mineral Processing use, the following plans and information are also required to be submitted as part of the application:

a description of the project which shall include, but is not limited to,

- (i) a detailed map showing the location of the processing and any associated works such as stockpiles, any and all signage particularly with respect to on-site sales, and parking and loading areas; and
- (ii) expert reports on air quality and noise and the resultant impacts of the development on all residential uses within a minimum distance of 400.0 m (1312.34 ft) of the location of the processing and associated works or as otherwise determined by the Development Authority; and

an operating plan which shall include the proposed:

- (i) days of the week and hours of the day of operation;
- (ii) types and amount of equipment and vehicles to be used both on-site and off-site;
- (iii) haul routes both on-site and off-site;

- (iv) plan to mitigate dust, noise, visual blight, light pollution and off-site contamination (tracking of mud on public roads, for example);
- (v) customer access locations, on-site parking and loading areas for the on-site sales including all customer safety measures that will be implemented to facilitate the sale of aggregate materials; and
- (vi) a contact person or persons and their contact details, whom the County can contact in regards to any issues arising from the development.

(f) By deleting section 60.10 and replacing it with the following:

“For a development permit for a Sand, Gravel, and Surface Mineral Extraction use or a Sand, Gravel, and Surface Mineral Processing use, the Development Authority may, in addition to any other provisions of this Bylaw, impose a condition requiring an applicant to enter into an Haul Route Agreement, to the satisfaction of the County.”

(g) By deleting section 60.11 and replacing it with the following:

“In addition to development permit approval, a Sand, Gravel, and Surface Mineral Extraction use that is 5.0 hectares or greater in size will require Provincial permits and approvals. In this case, the Development Authority may, in addition to any other provisions of this Bylaw, impose a development permit condition requiring an applicant to:

- (a) provide written proof of approval by *Alberta Environment and Parks* including the registration number as issued by the Director of *Alberta Environment and Parks* to the Development Authority prior to the commencement of any activities or operations associated with the authorized use and to maintain a valid registration number for the lifetime of the development; and
- (b) provide security in a form and amount acceptable to the Development Authority, in the Development Authority’s sole discretion, for the reclamation of the lands, or proof of security provided to *Alberta Environment and Parks*, or both, prior to the commencement of any activities or operations associated with the authorized use. Any security provided to the Development Authority shall be reduced or released in the sole discretion of the Development Authority.

(h) By deleting section 60.13.

(i) By deleting section 60.14 and replacing it with the following:

“For a Sand, Gravel and Surface Mineral Extraction use with a disturbance area less than 5.0 hectares in size, the Development Authority may, in addition to any other provisions of this Bylaw, impose a development permit condition requiring

(a) that the applicant reclaim the disturbance area in accordance with the approved reclamation plan; and

(b) that the applicant provide security, in an amount and form acceptable to the Development Authority.

For clarity, the “disturbance area” includes the opening or excavation area of the pit including all associated infrastructure and stockpiles. Any security required pursuant to this section shall not be released until the reclamation is complete in accordance with the reclamation plan approved pursuant to the development permit.”

(j) By deleting section 60.15 and replacing it with the following:

“The extraction component of a Sand, Gravel, and Surface Mineral Extraction use approved by a development permit shall expire five years from the date the development permit is issued or as otherwise determined by the Development Authority on the development permit. Reclamation of the disturbance area must be completed within one year from the end of the extraction component of the use or as otherwise determined by the Development Authority on the development permit.”

(k) By deleting section 79.4 and replacing it with:

“In addition to any other provisions of this Bylaw, for a landfill site, a Sand, Gravel and Surface Mineral Extraction use or a Sand, Gravel and Surface Mineral Processing use, a sewage lagoon, a sewage treatment plant, an industrial or bulk storage yard, including but not limited to auto wrecking, lumber yard, pipe storage and similar uses and for any other similar forms of development, the Development Authority may require such development to be screened from public view by a vegetated buffer strip or some other landscaping feature to the satisfaction of the Development Authority. Where, because of the stacked height of materials stored, a screen planting would not be sufficient, the Development Authority may require a fence, an earth berm or combination thereof to its satisfaction.”

(2) If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the Bylaw is deemed valid.

(3) This Bylaw shall come into force and effect when it has received third reading and has been duly signed.

READ A FIRST TIME IN COUNCIL THIS \_\_\_\_ Day Of \_\_\_\_\_, 2020.

READ A SECOND TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

READ A THIRD TIME IN COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Reeve

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Chief Administrative Officer