

LAMONT COUNTY
Bylaw Number 833.21
Amending Land Use Bylaw

A Bylaw of Lamont County in the Province of Alberta to amend Bylaw 675/07, being a Bylaw to regulate the development and use of land within Lamont County.

WHEREAS, the *Municipal Government Act* requires that every municipality pass a land use bylaw which may prohibit, regulate, and control the use and development of land and buildings in a municipality; and

WHEREAS, pursuant to the provisions of the *Municipal Government Act*, Council of Lamont County, hereinafter called the "Council," has adopted Land Use Bylaw 675/07; and

WHEREAS the Council of Lamont County has deemed it desirable to amend the Land Use Bylaw No 675/07 and any amendments thereto;

NOW THEREFORE, the Council of Lamont County, duly assembled, pursuant to the authority conferred upon it by the *Municipal Government Act, R.S.A. 2000, c. M-26*, and amendments thereto, enacts as follows:

1. That Land Use Bylaw 675/07 be amended by deleting Sections 6.2.1 to 6.2.15, inclusive, and replacing the existing Section 6.2 with the text as described in Schedule "A".
2. That Bylaw 833.21, forming Schedule "A" of this bylaw, shall take effect on the date of the third and final reading.

READ a first time on this 13 day of July, 2021.

Reeve

Chief Administrative Officer

DATE OF PUBLIC HEARING _____

READ a second time on this ____ day of _____, 2021

Lamont County Bylaw 833.21
Schedule A

SECTION 6.2 NATURAL RESOURCE EXTRACTION

1. For Class I Pits on Private Land over 5 ha (12.5 acres) in area, the Applicant must provide proof of approval from Alberta Environment and Parks.
2. For Class II Pits on Private Land under 5 ha (12.5 acres) in area: a reclamation deposit in the amount of \$2,000 per acre for each acre of working pit. The reclamation deposit can be in the form of cash or renewable irrevocable letter of credit.
 - a. If an irrevocable letter of credit is offered as the reclamation security, it shall be in a form satisfactory to the County. The initial term of the letter of credit shall be not less than three (3) years. The letter of credit shall be renewed for a further term by the owner thirty (30) days prior to expiry. The security shall not be released until the reclamation has been completed to the satisfaction of a Development Officer.
3. Natural resource extraction activities, where applicable, must comply with the regulations of the Environmental Protection and Enhancement Act, the Conservation and Reclamation Regulation, Water Act, Wildlife Act, Alberta Environments Code of Practice for Pits, as well as any other applicable provincial Act or regulation.
4. Natural resource extraction shall require the reclamation of the lands to a standard appropriate to accommodate uses listed in the district once the resource has been removed.
5. In considering whether to approve natural resource extraction as a discretionary use, the Development Authority Officer may have additional due regard for:
 - a. The purpose of this Bylaw and the general purpose of the District in which it is located and the future use of the site as proposed in a reclamation plan;
 - b. The provisions of the Municipal Development Plan and any relevant statutory plan;
 - c. Relevant guidelines prepared by Alberta Environment and their comments on applications made for provincial approval;
 - d. The desirability to utilize the natural resource as a regional benefit to development;
 - e. Conservation of topsoil for future agricultural use on this or another site;
 - f. Conservation of designated historical resources;

- g. Conservation of trees and maintenance of habitat;
 - h. Conservation of environmentally significant and sensitive areas;
 - i. Conservation of watercourses; and
 - j. The safety and the potential nuisance effect on adjacent properties.
6. The term of a natural resource extraction development permit shall be a maximum of nine (9) years for Class I Pits and a maximum of five (5) years for Class II Pits from the date of issuance.
- a. All extraction activities shall cease, excluding final reclamation, upon the expiration of the development permit until such time as a further development permit has been applied for and approved by the County.
 - b. The County may grant a renewal of the development permit, under the same terms and conditions, for a term of not more than five (5) years upon application of a development permit ninety (90) days prior to the expiry of the permit.
 - c. The County may consider subsequent renewals of the development permit to a maximum of fifteen (15) concurrent years, based on five (5) year increments, subject to compliance with the Land Use Bylaw regulations in place at the time.
7. The hours of operation shall be between 7:00 a.m. to 7:00 p.m. Monday through Saturday for all extraction and reclamation activities.
- a. Extended hours over a short period of time for crushing may be considered. The Applicant shall provide confirmation that any crusher located on the Site shall be located at the bottom of the excavation area and shall be located so that any muffler located on the crusher is pointed towards the wall of the excavation area.
 - b. Extended hours for use of pumps for pit dewatering may be considered as determined by on-site conditions.
8. The applicant can apply for an extension for hauling only on Sundays between the hours of 7:00 a.m. to 7:00 p.m.
9. The applicant shall provide a minimum 3.0 m (9.8 ft) buffer zone adjacent to all site boundaries, which shall include road allowances, easements, rights-of-way, and rail lines unless approval has been obtained from all adjacent landowners and the County, acting reasonably.
10. The applicant shall enter into a Road Use Agreement with the County for the provision of dust control and maintenance/upgrading of the municipal roads used as the haul route.

- a. Subject to projected traffic volumes as provided for above, the County may require submission of a Traffic Impact Assessment, as prepared by a qualified professional, for review and approval.
11. The applicant shall provide an adequate area on-site for trucks to park and wait prior to picking up a load. In this regard, trucks are prohibited from parking on the municipal road and an area must be provided and designated on-site as a truck parking area.
 12. If drainage patterns are to be altered as a result of the natural resource extraction, the applicant shall ensure that the redirection of surface water from the site does not negatively impact adjacent parcels. If it is found that the natural resource extraction activities have caused flooding or higher surface drainage volumes on adjacent parcels, the applicant shall be required to remedy the problem at their sole expense.
 13. In addition to the information requirements of Section 3.5, the Development Authority shall require, where not required to do so by the Province, each application for a development permit for Natural Resource Extraction development be accompanied by the following information:
 - a. The location and area of the site on which the excavation is to take place;
 - b. Site analysis of the geology, groundwater, surface water, natural vegetation and wildlife features of the site;
 - c. Extraction and operations plan including staging;
 - d. Stockpile information including locations, proposed heights, and mitigation measures to address dust, debris, and run-off;
 - e. Reclamation and end use plan, including surface drainage plan;
 - f. Proposed mitigation measures for traffic and visual impacts;
 - g. Dust suppression plan which shall address measures and methods to reduce dust respecting on-site operations including the pit floor, stockpiles, and other areas of the proposed development;
 - h. Noise suppression plan which shall provide a description of measures to be taken to reduce acoustic impacts on neighboring properties;
 - i. A signage plan which shall identify the location and posting of haul route signage as well as on-site signage identifying company name and emergency telephone numbers, access/egress locations, parking areas, hazard areas, etc.;
 - j. Haul road plan including proposed access and traffic volume;

- k. Details of the proposed community consultation, including the pre-application consultation with potentially affected landowners and the further communications that will be carried out to inform landowners of the ongoing natural resource extraction activities and to address any issues or concerns landowners may have regarding the operation; and
- l. Subject to the Non-Aggregate Soils Levy Bylaw 830.21 or the Aggregate Levy Bylaw 788.18.