

11.3 DC – RE 1 RESOURCE EXTRACTION – DIRECT CONTROL DISTRICT 1607/22**.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>	

.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) Council is to consider the proposal *operating area* of *natural resource extraction* and/or a *secondary processing use* against the impacts to adjacent land uses to determine a suitable setback that is less than:
 - (i) 400m (1,312.3ft) from the outside wall of an existing *dwelling* to the nearest edge of the operating area of a *natural resource extraction* and *secondary processing use*.
 - (ii) in the case of the extraction of *silica sand*, 800m (2,624.6ft) from the outside wall of an existing dwelling or from the district boundary of a multi-lot subdivision, hamlet, or area subject to an approved *planning document* that includes residential *development*.
- (c) The operating area of a *natural resource extraction* or *secondary processing use* shall not be located within any setback areas as determined in the *Code of Practice for Pits*.
- (d) Setbacks from any Sturgeon County roads are to be determined by the *Development Authority* based on engineering requirements and Sturgeon County's roadway classifications.
- (e) 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 In accepting an application for the redistricting of land to a Resource Extraction DC District, the following pre-Application Community Consultation Requirements for *Natural Resource Extraction* and *Secondary Processing* Uses requirements will apply:

- (a) An application for *natural* resource extraction and/or an application for *secondary processing* shall require a pre-application community consultation, as noted in paragraph 11.3.6(m) of this Bylaw.
- (b) The pre-application community consultation shall adhere to the following criteria.
 - (i) The *developer* must host an open house and invite all residents who reside:
 - A. Within 1.6km (1mi) of the boundaries of the parcel subject to the application for natural resource extraction or secondary processing, and

- B. Adjacent to anticipated haul routes for the *natural resource extraction* or *secondary processing* application (as identified in the haul route plan specified in paragraph 11.3.6(g) of this Bylaw);
 - (ii) Notice of the open house must be mailed a minimum of (2) weeks in advance of the open house (invitations must be postmarked a minimum of 14 days prior to the date of the open house); and
 - A. Provide an alternate opportunity for information provision and discussion for those community members unable to attend the open house.
 - (iii) The open house must be hosted with a minimum of one (1) representative from Sturgeon County's administration in attendance.
 - (iv) The open house must include an opportunity for landowners to ask questions and discuss topics of interest with the developer.
 - (c) A report summarizing the results of the open house event must be provided to Sturgeon County in accordance with the application requirements in paragraph 11.3.6(m) of this Bylaw.
 - (d) Results from the pre-application community consultation may inform any other condition deemed appropriate by the Development Authority.
- .6 In considering an application for the redistricting of land to a Resource Extraction DC District as complete, an application 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 any other provincial or federal regulations;
 - (c) for development areas located within 0.8km (0.5mi) of a *highway*, an approved permit obtained from Alberta Transportation;
 - (d) a traffic impact assessment, where deemed to be required by Sturgeon County;
 - (e) a traffic related implementation plan that demonstrates how all traffic-related performance standards, monitoring and reporting requirements, as specified under paragraph 11.3.7(a) of this Bylaw will be met;
 - (f) a site access plan;
 - (g) a haul route plan identifying all County roads to be utilized during hauling;
 - (h) a track out management plan that identifies how roadways will be cleaned and maintained;
 - (i) a noise impact assessment deemed by a designated professional to assess the impacts of the operations;
 - (j) a noise related implementation plan that demonstrates how all noise related performance standards, monitoring, and reporting requirements, as specified under paragraph 11.3.7(c) of this Bylaw, will be met;
 - (k) an air quality impact assessment;
 - (l) an air quality implementation plan that demonstrates how all air quality related performance standards, monitoring, and reporting requirements, as specified under paragraph 11.3.7(d) of this Bylaw, will be met;
 - (m) evidence and results of pre-application community consultation undertaken in accordance with the requirements of subsection 11.3.5 of this Bylaw;
 - (n) a community communications plan, that identifies how the requirements of paragraph 11.3.7(f) of this Bylaw will be met;
 - (o) a water well report, for applications with operating areas within 800m (½mi) of a single dwelling, or 1200m (¾mi) of a multi-lot subdivision;

- (p) a hydrological impact assessment, where required by the Province of Alberta or where a potential impact is identified through the water well report required in paragraph 11.3.6(o) of this Bylaw;
- (q) an implementation plan to mitigate identified effects that the aggregate operation might have on the local water table, based on the hydrological impact assessment, where applicable;
- (r) a site-specific stormwater management plan that indicates the specific techniques to be used within the pit to responsibly manage surface drainage so as not to negatively impact positive surface drainage conditions situated up or downstream of the proposed operation;
- (s) an emergency response plan; and,
- (t) a visual impact assessment,
- (u) expected number and type of jobs and expected economic impact,
- (v) any other study, report or assessment required to assess the application.

.7 In considering regulations for the redistricting of land to a Resource Extraction DC District, Administration will prepare an analysis of the proponent's redistricting application for Council's consideration. The analysis will utilize a defined methodology that considers the expected Economic, Environmental and Social impacts of the proposed development. Based on this site-specific evaluation, stakeholder input and other factors. Council may impose specific performance standards listed below as regulations for the proposed district. These regulations will form conditions of the subsequent development permit.

(a) Transportation Requirements for Natural Resource Extraction and Secondary Processing Uses

- (i) 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:
 - A. 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.
 - B. 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.
 - C. 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.
 - D. The developer is responsible for dust suppression on all gravel surfaced roads that will be used under a *road use agreement*.
 - E. All drivers must be provided with an orientation to the requirements of hauling and *road use agreement* provisions in Sturgeon County.
 - F. The overloading of any trucks is strictly prohibited.
 - G. All loaded trucks shall be covered by tarps.
 - H. 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.
- (ii) The *developer* shall adhere to the methods identified in the track out management plan submitted with the application.
- (iii) Offsite improvements to municipal infrastructure that are identified as per the recommendations of a traffic impact assessment shall be completed at the sole expense of the developer prior to the operation of *natural resource extraction* or *secondary processing* and shall require a separate *Development Agreement* with Sturgeon County.

- (iv) All accesses to the *natural resource extraction* and/or *secondary processing* use area 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 municipal *improvements* are at the sole expense of the *developer*.
- (b) Water Requirements for Natural Resource Extraction and Secondary Processing Uses
 - (i) Adherence is required to Sturgeon County's Groundwater Management Plans and Ground Water Monitoring Program, where applicable.
 - (ii) Where a water well report is required, adherence is required to the necessary mitigation measures in the report and the hydrogeological impact assessment.
 - (iii) Adherence to the measures identified in the implementation plan, as required in paragraph 11.3.6(g).
- (c) Noise Requirements for Natural Resource Extraction and Secondary Processing Uses
 - (i) Noise attenuation methods (as identified in the noise impact assessment) shall include, but not be limited to:
 - A. installing noise attenuation infrastructure in recommended locations (as identified in the noise impact assessment) on the *parcel*;
 - B. locating stockpiles and berms to act as sound barriers to impacted areas;
 - C. using methods of minimizing or reducing noise created by machinery and equipment related to the *natural resource extraction* or *secondary processing* use; and
 - D. ensuring noise reducing mufflers are fitted on all hauling trucks to be used.
 - (ii) Noise limits at the subject property's *parcel lines* of operation sites shall not exceed:
 - A. 75 dBA (Leg (1 hour)), between the hours of 7:00 a.m. to 7:00 p.m., Monday to Friday;
 - B. 55 dBA (Leg (1 hour)), on Saturday, Sunday, and statutory holiday, and between the hours of 7:00 p.m. to 7:00 a.m., Monday to Friday; and
 - C. notwithstanding the above, if ambient noise levels already exceed decibel levels outlined above, noise levels shall not exceed 5 dBA (Leg (1 hour)) above existing ambient noise levels.
 - (iii) Noise monitoring and reporting shall be required as a development permit condition in accordance with the following requirements:
 - A. Monitors shall be sited and installed on the subject property's *parcel lines*, subject to the location recommendations of the submitted noise impact assessment.
 - B. Quarterly reports on noise levels and evidence of compliance with subparagraph 11.3.7(c)(ii) of this Bylaw are required to be submitted to Sturgeon County.
 - C. Annual reports conducted by a qualified third party to provide quality assurance on reported noise levels and compliance with subparagraph 11.3.7(c)(ii) of this Bylaw are required to be submitted to Sturgeon County.
 - D. Notwithstanding the above, noise monitoring and reporting shall not be required during months where extraction, processing, and hauling are not occurring. The *developer* must provide notification to Sturgeon County prior to the first date of any month that operations and associated monitoring will not be conducted.
 - (iv) Notwithstanding the above, noise limits, monitoring and reporting requirements specified in subparagraphs 11.3.7(c)(i through iii) of this Bylaw shall not apply at portions of parcel lines of the parcel which border another parcel districted as:
 - A. RE – Resource Extraction districts and
 - B. I5 – Heavy Industrial district

- (v) Notwithstanding the above, noise limits and monitoring and reporting requirements as specified in subparagraphs 11.3.7(c)(i through iii) of this Bylaw shall not apply at *parcel lines* where there is no *dwelling* within 800m ($\frac{1}{2}$ mi) of that parcel line.
- (d) Air Quality Requirements for Natural Resource Extraction and Secondary Processing Uses
 - (i) Air quality protection methods shall include, but not be limited to, the following methods (subject to the recommendations of the submitted air quality impact assessment):
 - A. locating pit accesses away from residential accesses, where possible;
 - B. treating access routes with dust suppressant, to prevent dust from trucks and other moving equipment, in accordance with an approved *road use agreement*;
 - C. setting truck speed limited, as outlined in clause 11.3.7(a)(i)(A) of this Bylaw;
 - D. secondary processing facilities must be enclosed or sited at the bottom of a pit, where possible;
 - E. ensuring all truck loads are covered with tarps, as outlined in clause 11.3.7(a)(i)(G) of this Bylaw;
 - F. perimeter vegetation, seeding berms and stockpiles, or other erosion control methods;
 - G. limiting the area(s) of active extraction open at any one time by performing progressive reclamation and extraction, and
 - H. ensuring compliance of PM2.5 air quality levels as identified in the Alberta Ambient Air Quality Objectives.
 - (ii) Air Quality monitoring and reporting shall be required as a *development permit* condition in accordance with the following requirement:
 - A. Monitors shall be sited and installed in the locations as recommended by the air quality impact assessment.
 - B. Quarterly reports on air quality levels and compliance with clause 11.3.7(d)(i)(H) of this Bylaw are required to be submitted to Sturgeon County.
 - C. Annual reports, conducted by a qualified third party to provide quality assurance on reported air quality levels and compliance with clause 11.3.7(d)(i)(H) of this Bylaw are required to be submitted to Sturgeon County.
 - (iii) Notwithstanding the above, air quality monitoring and reporting requirements specified in subparagraph 11.3.7(d)(ii) of this Bylaw shall not apply at portions of *parcel lines* of this *parcel* which border another *parcel* districted as:
 - A. RE – Resource Extraction districts and
 - B. I5 – Heavy Industrial district
 - (iv) Notwithstanding the above, air quality monitoring and reporting requirements as specified in subparagraph 11.3.7(d)(ii) of this Bylaw shall not apply at *parcel lines* where there is no *dwelling* within 800m ($\frac{1}{2}$ mi) of that *parcel line*.
- (e) Landscaping and Visual Impacts for *Natural Resource Extraction* and *Secondary Processing* Uses
 - (i) All natural resource extraction and secondary processing operations shall require landscaping in such a manner as to mitigate visual impacts from the *development* and operations, which may include features such as, but not limited to:
 - A. The installation of a berm and/or fence around the perimeter of the excavation area.
 - B. Existing vegetation be retained where possible.
 - C. Equipment be stored away from *parcel lines* where possible and in the least obtrusive location possible.

- D. 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.
- (ii) The community consultation results from the pre-application consultation as specified in paragraph 11.3.5(c) of this Bylaw, shall inform landscaping or screening that may be required along the operating boundaries of the pit.
- (iii) Visual impact monitoring and reporting shall be required as a development permit condition in accordance with the following requirements:
 - A. Quarterly reports on visual impacts and compliance with subparagraphs 11.3.7(e)(i through iii) of this Bylaw and recommendations adopted from the community consultation, are required to be submitted to Sturgeon County.
 - B. Annual reports to provide quality assurance on reported visual impacts and compliance with subparagraphs 11.3.7(e)(i through iii) of this Bylaw and recommendations adopted from the community consultation, are required to be submitted to Sturgeon County.
- (f) Community Communications Requirements for Natural Resource Extraction and Secondary Processing Uses
 - (i) The *developer of 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.
 - (ii) The community event shall adhere to the following criteria.
 - A. 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*.
 - B. 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 community event) and provide an alternate opportunity for information provision and discussion for those community members unable to attend the community event.
 - C. The community event must be hosted with a minimum of one (1) representative from Sturgeon County's administration in attendance.
 - D. The community event must include an opportunity for residents to ask questions and discuss topics of interest with the developer.
 - E. 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.
 - (iii) The *developer* must provide landowner communications on a semi-annual basis
 - (iv) These semi-annual landowner communications must:
 - A. be sent by mail;
 - B. be sent to all landowners of parcels:
 - a. adjacent to the haul route, and
 - b. are located within 1.6km of the parcel with *natural resource extraction or secondary processing* operations.
 - C. 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.
- (v) 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:
 - A. be a condition of the development permit for *natural resource extraction* or *secondary processing* and not require a separate sign permit under this Bylaw;
 - B. utilize the standard sign design for *natural resource extraction* or *secondary processing operations*, as identified by Sturgeon County;
 - C. identify the purpose for which the lands are to be used;
 - D. identify the approximate time over which extraction of the lands will take place;
 - E. identify the location where additional information may be obtained;
 - F. identify the company name and contact information where the public may discuss request information, and
 - G. be placed in a location easily visible to the public
- (g) Operational Hours for Natural Resource Extraction and Secondary Processing Uses
 - (i) Natural resource extraction and secondary processing operations may operate:
 - A. between 6:00a.m. to 10:00 p.m. Monday to Friday; and
 - B. between 7:00 a.m. to 6:00 p.m., Saturday, Sunday, and Statutory Holidays.
 - (ii) Extended or varied hours may be approved by the *Development Authority*. In such cases, the hours will be based upon consideration of site characteristics, results of a noise-modelling analysis, feedback from community consultation, location of haul routes and hauling accesses, and on-site noise mitigation measures.
 - (iii) The removal of natural resources from the pit location (*hauling*) shall take place only within the hours specified by the *Development Authority*. The *Development Authority* shall have regard to, but is not bound by, the following guidelines:
 - A. 6:00 a.m. to 6:00 p.m. Monday to Friday; and
 - B. 7:00 a.m. to 5:00 p.m. Saturday, Sunday, and Statutory Holidays
 - (iv) Extended or varied hours may be approved by the *Development Authority*. In such cases, the hours will be based on the consideration of site characteristics, results of a noise-modelling analysis, feedback from community consultation, location of haul routes and hauling accesses, and on-site noise mitigation measures.
- (h) Stripping Requirements for Natural Resource Extraction and Secondary Processing Uses
 - (i) Topsoil shall be stripped and *stockpiled* on-site for future reclamation prior to commencing operations.

.8 Reclamation Requirements for *Natural Resource Extraction* and *Secondary Processing Uses*

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

.9 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.

.10 Additional Development Regulations

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