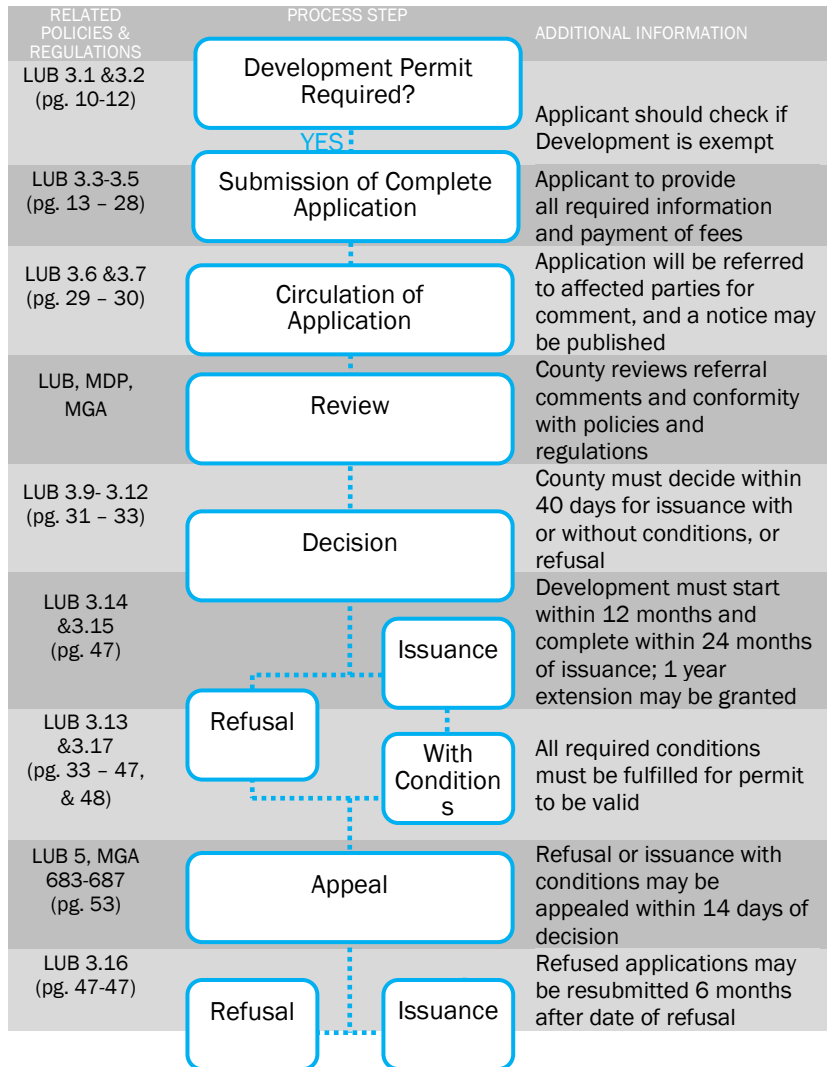

Part II

Administrative Procedures



3 Development Permit Process



3.1 Control of Development

- 3.1.1 No development other than that designated in Subsection 3.2 of this Bylaw shall be undertaken within the municipality unless an application for it has been approved and a development permit has been issued.
- 3.1.2 In addition to meeting the requirements of this Bylaw, it is the responsibility of the applicant to ensure and obtain other safety code approvals or licences that may be required by other regulatory departments or agencies.
- 3.1.3 A building permit shall not be issued unless a development permit, where required, has also been issued.

3.2 Development Not Requiring a Development Permit

- 3.2.1 The following developments do not require a development permit but must otherwise comply with all other provisions of this Bylaw:
 - a) Maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation;
 - b) Use of any such building(s) as are referred to in Subsection (a) above for the purpose for which the construction was commenced;
 - c) Demolition of a structure, if the construction of the structure did not require a development permit;
 - d) Erection of a fence or other enclosure which is no higher than 1.8 metres (m) (6.0 feet [ft]) in height provided that there is no contravention of this or any other Bylaw of the municipality and provided that such a fence or enclosure does not obstruct the visibility at roadway intersections;

- e) Construction, renovation, or on-site relocation of Farm Buildings, as defined in this Bylaw, in conjunction with extensive agricultural operations, provided the development conforms to all applicable setbacks applied to parcels 12.1 hectares (ha) (30.0 acres) or more in size. (Please note: a dwelling is not a Farm Building);
 - f) Construction, renovation, or on-site relocation of buildings used on an approved gravel extraction-site, if it conforms to all setbacks and the structure is less than 37.2 m² (400 ft²);
 - g) On-site relocation of a crusher related to gravel extraction and processing if crushing is permitted within a development permit.
 - h) Creation, maintenance and repair of public works, services, and utilities carried out by or on behalf of federal, provincial, and municipal public authorities on land that is publicly owned or controlled;
 - i) Dugouts for extensive agricultural use that are more than 45.7 m (150.0 ft) from all property lines and residences and not located in multi-parcel subdivision areas of over five (5) parcels;
 - j) Landscaping or beautification of property through painting, paving, stuccoing, etc;
 - k) Signs exempted from development permit approval as described in Section 14 of this Bylaw;
 - l) Accessory buildings less than 9.29 m² (100.0 ft²) in area (applies to outside dimensions), including tarp structures. A building permit shall be required for Accessory Buildings 9.29 m² (100.0 ft²) or greater;
 - m) Towers not exceeding 4.60 m (15.10 ft) in height;
 - n) Satellite dishes;
 - o) Seasonal decorations;
 - p) Home occupations that do not involve any client traffic, external storage, or off-site employees;
 - q) All decks and uncovered porches where the structure is less than 0.60 m (2.0 ft) above grade, provided all site setback requirements in the applicable land use district are met;
 - r) Above-ground, pre-manufactured swimming pools with a water volume less than 6.11 m³ (215.80 ft³);
 - s) Tree clearing, except in priority wetlands; and
 - t) In all land use districts, the municipality's use of land that it either owns, has an equitable interest in, or is the lessee, for a purpose approved by Council in connection with any municipal work or operation, including the construction, maintenance, repair, or ongoing operation of such use;
 - u) The permanent or temporary placement of Recreational Vehicles on any parcel, except for parcels districted Country Residential 3 (CR3), provided that the regulations of the district allow for placement of Recreational Vehicles and provided further that Section 3.13.108 through 3.13.110 and Sections 11.2.92 through 11.2.99 are complied with.
 - v) The placement of a Recreational Vehicle on an individual separately titled lot within the Bareland Recreational Resort (REC) District, provided that the applicable setback requirements are complied with.
- 3.2.2 Notwithstanding the provisions of Policy 3.3.1, private sector development of public infrastructure may require a development permit.

3.2.3 If there is any doubt as to whether or not a development permit is required, the Development Authority shall require a development permit.

3.3 Development Permit and Agreement Fees

3.3.1 All fees and charges under and pursuant to development permit and subdivision applications, appeals, statutory plans, Bylaws, and this Bylaw, and any amendments to them shall be as established by Bylaw of Council.

3.4 Requirements for Development Permit Applications

General Requirements

3.4.1 All applications for a development permit shall be made to the Development Authority in writing on the application provided by Lac Ste. Anne County, and shall:

- a) Be signed by the registered owner or his or her agent where a person other than the owner is authorized by the owner to make the application. The correctness of the information supplied shall, when required by the Development Authority, be verified by a statutory declaration;
- b) State the proposed use or occupancy of all parts of the land and buildings and provide any other information as may be required by the Development Authority; and
- c) Include parcel plans in duplicate at a scale satisfactory to the Development Authority, showing the following:
 - i) North point;
 - ii) Legal description of the parcel;

- iii) Location of principal building and other structures including Accessory Buildings, garages, carports, fences, driveways, paved areas, and major landscaped areas, including buffering and screening areas where provided;
- iv) Outlines of the roof overhangs on all buildings;
- v) Front, rear, and side yard setbacks;
- vi) Access and egress points to and from the parcel;
- vii) On a vacant parcel in a residential land use district, the suggested location for a future driveway and garage or carport, if the application itself does not include such buildings as part of the proposal; and
- viii) Estimated cost of the project, excluding land prices.
- ix) The type of existing Sewer System or how the Developer intends to address sewage.

3.4.2 In addition to the information described above, at the discretion of the Development Authority the applicant may also be required to provide parcel plans to show any of the following:

- i) The provision of off-street loading and vehicle parking;
- ii) The exterior elevations of all buildings showing height, horizontal dimensions and finishing materials of all buildings, existing and proposed;
- iii) A parcel grading plan indicating, but not limited to the elevation of the parcel at all corners and the grade at all corners of the proposed development as well as the grades of the adjacent streets, lanes and sewers servicing the parcel;

- iv) Storm drainage plan;
- v) The location of existing and proposed municipal and private local improvements as well as a cost and time estimation of the installation of these improvements; and
- vi) The lowest finished floor elevation in either the basement or main floor in the principal and Accessory Buildings where applicable.
- vii) Be accompanied by an electronic copy (by way of USB key or CD) of all plans and drawings;
- viii) Provide a real property report to be submitted by the applicant to verify compliance of all existing and proposed buildings with this Bylaw;
- ix) Include certificate of title from the land Titles Office;
- x) Indicate authorization by all registered owners where there is more than one registered owner;
- xi) Be signed with the corporate seal or include verification of corporate signing authority, where the registered owner is a corporation; and
- xii) Provide any other pertinent information or tests required by the Development Officer respecting the parcel or adjacent lands.
- xiii) Hold a preapplication meeting with Lac Ste. Anne County Administration

Direct Control District Requirements

- 3.4.3 In the case of a development permit application made pursuant to a Direct Control district, all requirements and procedures pertaining to the development permit application will be at the direction and to the satisfaction of Council.
- 3.4.4 In determining the development permit application requirements and procedures pursuant to a Direct Control district the Council may consider and be guided by the provisions outlined in this Section and may require the applicant to submit any or all of the following for the purpose of relating any proposal to the growth of Lac Ste. Anne County:
 - a) An explanation of the intent of the project.
 - b) The features of the project that make it desirable to the general public and Lac Ste. Anne County. This is to include an evaluation of how the project may contribute to the present and projected needs of Lac Ste. Anne County as a whole.
 - c) An economic analysis of the proposal's anticipated economic impact on the municipality.
 - d) A detailed development scheme containing the following information:
 - i) Location of all proposed buildings;
 - ii) Elevation and architectural treatment of all buildings and associated structures;
 - iii) Proposed servicing scheme and its relationship to Lac Ste. Anne County's existing and/or proposed servicing plans;

- iv) Anticipated scheduling and sequence of development;
- v) Mechanisms by which conformance to the plan will be ensured, such as through a combination of caveats, easements, service agreements and performance bonds;
- vi) Details of all earthwork and tree removal;
- vii) All yard setbacks, parcel coverage, parcel areas, floor areas, sizes of parcels, and number of parking stalls; and
- viii) Such additional requirements as are determined necessary by Council with regard to the nature of the proposed development and the surrounding use(s) that may be affected.

3.4.5 When, in the opinion of the Development Officer, sufficient details of the proposed development have not been included with an application for a development permit, the Development Authority may return the application to the applicant for further details. The returned application shall not be determined to be in its final form until all required details have been submitted to the satisfaction of the Development Authority. Should the municipality deem the submitted application incomplete, the Development Authority may issue a notice acknowledging the application is incomplete.

3.4.6 As part of the development permit application, the Development Authority may require the applicant to provide written consent to enter upon the subject property to verify compliance of all existing and proposed development(s) with this Bylaw.

3.4.7 Where an incomplete application has been submitted, the County shall hold the application for thirty (30) days. If the applicant fails to collect the incomplete application within this period, the County shall return the application by post and retain all fees associated with the application.

3.4.8 The Development Authority may require a complete Hydrological Ground Water Impact Report for any commercial, industrial, or multi-parcel development.

Proposed Developments Adjacent to Environmentally Sensitive Areas

3.4.9 As part of the development permit application, the Development Authority may require a geotechnical study, prepared by a qualified engineer, addressing the proposed development. The geotechnical study shall include a slope stability study and establish building setbacks from property lines based on the characteristics of the subject property.

3.4.10 The Development Authority may require any or all of the following as part of a development permit application on land that has been identified as environmentally sensitive in the Lac Ste. Anne County Environmental Inventory:

- a) A certificate from a qualified professional engineer certifying that the design of the proposed development was undertaken with full knowledge of the soil and slope conditions of the subject property;
- b) As part of a development permit application, or Land Use Bylaw amendment application, the location of the top of bank, shall be determined by a survey conducted by a geotechnical engineer, or by any other method determined to be satisfactory to the Development Authority;

- c) A geotechnical study or a slope stability study may be required in accordance with Map 12 and to the satisfaction of the development authority to confirm that the proposed development would not cause a negative impact on the slope stability of the subject site or any adjacent lands.
- d) An environmental audit or Environmental Impact Assessment, prepared by a qualified professional, if the proposed development may, in the opinion of the Development Authority, result in potentially significant environmental effects or nuisance (requirements for an environmental audit and Environmental Impact Assessment are outlined in Section 3.4.12 and Section 3.4.14, respectively); and
- e) A certificate from a qualified engineer when the proposed development includes cut and/or fill sections on slopes including the addition of fill to the subject property.

3.4.11 When considering a development permit application involving land in or near an environmentally sensitive area, as defined by the Lac Ste. Anne County Environmental Inventory, the Development Authority may refer the application to federal or provincial departments and other relevant environmental agencies for comments prior to reaching a decision.

Requirements for Environmental Audits

3.4.12 An environmental audit report shall contain:

- a) A history of the subject property's ownership and use;
- b) A description of the natural environment and social environment surrounding the subject property that may be sensitive to contamination;

- c) An inventory of all hazardous materials that may have been handled or stored on the subject property, including a review of on- and off-site disposal operations and facilities;
- d) Documentation of the existence, location, and use of above and underground storage tanks and other related facilities;
- e) A history of environmental regulatory activity affecting the subject property;
- f) A review of the condition and use of adjoining properties;
- g) A completed sampling program to determine type and level of contamination of soil, groundwater, surface water, site facilities, etc.;
- h) A determination of the extent of contamination; and
- i) A comprehensive site and area map noting the locations of natural and built features and other elements of the site audit as noted above.

Requirements for Environmental Impact Assessment

3.4.13 The Development Authority may require an applicant to conduct and submit an Environmental Impact Assessment as part of a development permit application, an application to amend this Bylaw, an application for subdivision approval, or an application to adopt or amend a statutory plan.

3.4.14 An Environmental Impact Assessment shall address the following information where applicable:

- a) The proposed development;
- b) Types of natural features, such as wetlands, wildlife habitat, vegetation conservation areas, and rare plant species;

- c) Boundaries of natural features;
- d) Ecological functions of the area;
- e) Potential direct and indirect impacts resulting from the proposed development;
- f) Appropriate setbacks and buffers for natural features to maintain their functions—setbacks from water bodies shall be in accordance with the Riparian Setback Matrix Model (RSMM) detailed in Section 10.2.21;
- g) Sensitivity of natural features and functions to new development;
- h) Potential environmental hazards such as steep slopes and flooding; and
- i) Identification and evaluation of mitigation measures.

3.5 Requirements for Specific Applications

3.5.1 For any of the specific applications in this section, the Development Authority may require one or more planning meetings with the Development Authority

Open House

3.5.2 Where an Open House is required, the following requirements must be met by the Applicant:

- a) The Open House must be advertised by the following:
 - i) regular mail sent to all landowners within 2 miles of the proposed development site, at least 14 days prior to the date of the Open House,

- ii) printed in a local newspaper for two consecutive weeks prior to the Open House.
- b) Advertisements must include:
 - i) the location, date, and time of the Open House;
 - ii) a description of the development; and
 - iii) the Applicant's contact information.
- c) At the Open House, the Applicant must:
 - i) provide information and/or a formal presentation about the proposed development;
 - ii) record the names and/or number of attendees; and
 - iii) provide a means for collecting feedback and/or written comments from attendees about the proposed development.
- d) The Applicant must submit a summary of the results of the Open House including the names of the attendees, the number of attendees, the information provided by the Applicant at the Open House and any feedback or written comments from attendees as part of their development permit application. If concerns are raised at the Open House with the proposed development, the Applicant must also include information about how the proposed development will address those concerns.

Aggregate Resource Extraction and Aggregate Resource Processing

3.5.3 Prior to submitting a development permit application for an Aggregate Resource Extraction use or an Aggregate Resource

Processing use, the applicant may be required to conduct an Open House pursuant to 3.5.2.

3.5.4 An application for a development permit for an Aggregate Resource Extraction use or an Aggregate Resource Processing use shall be made to the Development Authority in writing, and shall:

- a) Be signed by the registered owner, or his or her agent where the owner has provided such written authorization to the County that the agent may act on behalf of the owner;
- b) State the proposed use or occupancy of all parts of the land and buildings;
- c) Include a detailed description of how the proposed development complies with the requirements of any relevant municipal policies and regulations;
- d) Include an Environmental Impact Assessment completed in accordance with Section 3.4.13 and
- e) Include the following additional information:
 - i) A completed development permit application form;
 - ii) A written and graphical description of adjoining land uses within a minimum distance of 3.2 km (2.0 miles) of the legal property line of the subject site.
 - iii) Maximum tonnes of aggregate to be extracted per year, and total amount of aggregate to be extracted over the lifetime of the operation;
 - iv) The proposed development area, including the total area that will be disturbed by the development over the life of the development;
 - v) A list of all other approvals required (which may include provincial water diversion licence for pit dewatering and Federal requirements);

- vi) A copy of any applications as well as a copy of any responses or approvals from other authorities such as Alberta Environment and Parks and Alberta Transportation, to allow the County to maintain complete records and to ensure that all relevant land use criteria are being satisfactorily addressed;
- vii) A description of the gravel mining method;
- viii) A description of the extraction process;
- ix) The type of crusher to be used; and

3.5.5 The Applicant shall submit as part of the application one or more site plans, at a scale satisfactory to the Development Authority (it is recommended that the scale drawings be developed and printed on 11" X 17" paper at a minimum), showing all of the following:

- a) North point;
- b) Legal description of site;
- c) Site dimensions and location with respect to parcel boundaries;
- d) Pre-disturbance topographical map at a minimum of 1:5000 scale with a minimum contour index of 1.0 m;
- e) Location of existing facilities (i.e., water wells, buildings and major landscaped area including buffering and screening area) and where the proposed activity is to be located within the property;
- f) Location of existing drainage features, and significant natural features on and within 0.5 km (0.31 miles) of the site;
- g) Access and egress points to and from the site;
- h) Extraction locations and final extraction elevation;

- i) Stockpile locations (e.g., for topsoil, subsoil overburden, and aggregate);
- j) A phasing diagram showing phasing scheme for the pit;
- k) Locations and extents of designated processing buffer areas containing production, washing, fueling, and crushing activities (including an explanation of the placement of such things as fuel storage, crushers, asphalt, and wash machines, as well as the orientation of the engines for such machines);
- l) Line-of-sight data from the site to all residential uses within a minimum of 400.0 m (1312.34 ft) or as determined by the Development Authority;
- m) Accompanying text to site plan explaining the sequence of mining, the placement of fuel storage areas, and the placement of the crusher (i.e., bottom of pit);
- n) The location of existing and proposed municipal and private local improvements as well as a time and engineering cost estimate of the installation of these improvements;
- o) If there is a pipeline in the area, its location in conjunction with the proposed development; and
- p) Estimated cost of the project, excluding land prices.

3.5.6 For all applications within 0.5 km (0.31 miles) of a water body, the applicant shall provide the following as part of the application:

- a) Identification of all upstream, downstream, and associated hydraulically connected water bodies;
- b) Identification of surface water and groundwater flows, volumes, and directions to water bodies identified in Subsection (a);

- c) Identification of natural in-stream flow requirements required for maintaining the health of water bodies identified in Subsection (a), as determined by a registered professional; and
- d) Itemized cost of establishing and maintaining the applicable environmental continuous monitoring of the items identified in Subsections (a), (b), and (c) for the life of the operation.

Reclamation

3.5.7 The applicant shall include site plans in duplicate at a scale satisfactory to the Development Authority (it is recommended that the scale drawings be developed and printed on 11" X 17" paper at a minimum) showing the following:

- a) Topsoil and subsoil salvage and replacement;
- b) Cross-sections, including the slopes and the gradients prior to gravel mining and the reclaimed slopes once the reclamation is completed; and
- c) Contour elevations of the subject site before and after pit completion.

3.5.8 A reclamation plan shall be required for all aggregate resource extraction use approvals. A County approved reclamation plan shall be prepared by a qualified professional and shall include, but not be limited to:

- a) A description of the operational plan for the site;
- b) The location of all improvements, stockpiles, equipment, access, signage, and pits;
- c) A topographical map, at a minimum of 1:5000 scale with a minimum contour index of 1.0 m, showing the predicted contours of the site after completion of the reclamation, where the final contours shall be no steeper than 4:1;

- d) A phasing diagram, in accordance with the Provincial Guide, Progressive Reclamation, showing the phasing scheme for the pit including the time frame when reclamation will be completed;
- e) The amount of aggregate materials, in cubic metres (m³), located on the site to be extracted under this permit. This information is for internal use only;
- f) For pits not utilizing a scale on-site, the estimated amount of aggregate material, in cubic metres (m³), for each phase;
- g) The estimated cost for reclamation, including estimated costs for each phase;
- h) A description of the steepness of slopes;
- i) Potential end land use (i.e., agricultural, country, residential);
- j) Use(s) that may be effected;
- k) Re-vegetation to be used on the reclaimed site;
- l) Details about pit reclamation, including subsoil and topsoil replacement and compaction; and
- m) Location of water bodies, if any.

3.5.9 The reclamation plan shall comply, at a minimum, with the following standards:

- a) Drainage: Prior to re-contouring, the pit floor area should be sloped to a low point located at the bottom of the pit area.
- b) Re-contouring: The slope must be developed in a manner similar to pre-disturbance topography.

- c) Subsoil and Topsoil Replacement: The available subsoil and topsoil should be spread evenly across the re-contoured areas of the site.
- d) Seed Bed Preparation: The re-contoured and reclaimed areas of the site should accommodate conventional tillage equipment and, as a result, the soil should be adequately prepared for seeding at the site with an approved species of vegetation.
- e) Seeding and Vegetation Establishment: The site should be seeded in a manner suitable to the applicant in consultation and approval with Lac Ste. Anne County.

Operations, Safety and Emergency Response Plan

3.5.10 The applicant shall include the following information related to operations and safety at the aggregate extraction and processing site satisfactory to the Development Authority:

- a) Days and hours of operation including a breakdown of hours of operation for:
 - i) Aggregate Resource Extraction activities;
 - ii) Aggregate Resource Processing activities;
 - iii) Reclamation activities;
 - iv) Transportation of aggregate off-site;
 - v) Stripping operations;
 - vi) Mining/crushing/washing operations
 - vii) Asphalt production;
 - viii) Concrete production; and

- ix) Hauling operations.
- b) Descriptions of the extraction process including sequencing, stripping, and stockpiling details.
- c) Type of crusher being used.
- d) Total amount of sand and gravel to be mined out.
- e) The proposed number of years of operation and when reclamation will commence.
- f) Access and haul roads.
- g) Details on location, specifications and standards of construction of all main internal roadways located within the site.
- h) Location of stockpiles.
- i) Provisions for loading and parking;
- j) The garbage and storage area, fencing and screening proposed for this area, and methods of disposing of garbage.
- k) Location of servicing, fueling, and rinsing of trucks, including fuel storage areas.
- l) A plan to limit surface water from entering the site.
- m) Location of any potential containers to collect used oil and filters.
- n) A plan to prevent permeation of contaminants into the soil.
- o) Details about on-site sewage and garbage disposal:
 - i) Method of effluent disposal;
 - ii) Portable toilets;
 - iii) Sewage hauling and removal protocols;
 - iv) Garbage bins; and
 - v) Any other important details.
- p) Details about the use of asphalt, wash, crush, or concrete plant part of the pit operation. If these materials are to be used as part of the pit operation, describe the type of equipment used in the asphalt, wash, crush, and/or concrete plant including its placement, the placement of the power source, the location of the water source, and where the source gravel will come from if it originates off-site.
- q) A written security plan that identifies:
 - i) Potentially dangerous situations or areas;
 - ii) Typical procedures to be used for monitoring the site during periods of activity;
 - iii) When activities are suspended;
 - iv) Information access;
 - v) Fencing;
 - vi) Security features;
 - vii) Signage; and
 - viii) Emergency response procedures, including procedures for responding directly to a complainant, the County, or regulatory body, and procedures for documenting and keeping records of complaints.

- r) Methods to be used to restrict public access and to protect wildlife and neighbouring livestock.
- s) Location of the nearest city, town, village, or summer village and its distance from the proposed pit.
- t) The name, address, and telephone number of any landowners or occupants that are affected by the proposed development, which at a minimum includes those landowners or occupants within 2.0 km (1.24 miles) of the proposed development and those whose residences are located on a haul route;
- u) A list of emergency contact personnel to be used by the County for the pit operation, for active times, when the pit operation is suspended, and during final reclamation. An Emergency Management Plan, approved by the Director of Emergency Management, must be submitted.

Setback and Screening

3.5.11 The applicant shall include the following information related to setbacks and screening at the aggregate extraction and processing site to the satisfaction of the Development Authority:

- a) Written consent from all pipeline and right-of-way holders within the pit or within the vicinity of the pit.
- b) Details of the screening and landscaping to be undertaken by the applicant, to reduce the negative visual impact of the development. The details should include, but are not limited to, information related to:
 - i) The location and area of native vegetation that will remain undisturbed;

- ii) The location, design, and staging of any visual barriers to be constructed by the applicant, such as fences or berms;
 - iii) The location and area where the applicant will plant vegetation and trees; and
 - iv) Details on any other measures to be taken by the applicant.
- c) Proposed setbacks or buffers related to protection of natural heritage features, ecological function, or rare and endangered species.

Transportation of Aggregate On or Off-site

3.5.12 The applicant shall include the following information related to transportation of aggregate to and from the proposed site to the satisfaction of the Development Authority:

- a) A description of all haul routes. The description shall indicate the shortest and most desired route from the proposed pit to a processing area, if off-site or from another site to the processing area if being transported on-site. The description shall also indicate the shortest route to the nearest provincial roadway within a suitable access to accommodate projected traffic from the proposed development, and approximate gravel truck counts and frequency per day for both full and empty gravel trucks.
- b) At the discretion of the Development Authority, details of alternate routes to the one being proposed.
- c) At the discretion of the Development Authority, site plans in duplicate at a scale satisfactory to the Development Authority (it is recommended that the scale drawings be

developed and printed on 11" X 17" paper at a minimum) showing the proposed haul routes.

- d) Description of plans for removal of internal roads, fences, and barriers or any internal roads that may be left.
- e) Details of the dust control measures to be implemented, including the suppressant materials or methods to be used on the haul roads and the estimated frequency for the application of these measures.
- f) A report on the proposed haul route or haul routes (if more than one route is proposed) that shall include and address the following:
 - i) Anticipated generation of motor vehicle traffic on a daily, weekly, or monthly basis;
 - ii) Number of vehicles that will be used in the hauling of materials and the proposed hauling route to and from site;
 - iii) Access locations to and from the site, including municipal roads and highways;
 - iv) A description of roads constructed within the site that are required for the operation of pit;
 - v) A description of any road construction or road upgrading that is necessary to access the pit's working area;
 - vi) Details on whether the haul route is on a school bus route;
 - vii) Information on whether haul routes have been established and agreed to;

viii) Information on the number of gravel trucks that will be operating and whether the number has been agreed to;

ix) Details of any traffic impact assessment that has been undertaken and implemented to address potential traffic issues; and

x) Details on moratoriums to be placed on hauling during spring road bans.

g) In addition to any other information required to be submitted by the applicant, a Traffic Impact Assessment (TIA) shall be prepared by a qualified professional and submitted to shall include the following

i) traffic impact on all county roads to be accessed by the resource extraction use.

ii) all proposed haul routes to the nearest provincial highway, off-site processing area, and from another site to a processing use on-site.

iii) shall address cumulative impacts through the inclusion of anticipated traffic levels, including peak loading, from existing approved gravel operations, other resource extraction uses that have an active development permit application that has not yet been decided, and approvals that are not in operation. The applicant can submit a written request to the County for this information.

Groundwater

3.5.13 The applicant shall include the following information related to groundwater to the satisfaction of the Development Authority:

- a) An analysis of the potential for adverse impact on groundwater aquifers and water wells as a result of the extraction and reclamation.
 - b) The quantity and quality of well water for any water supply system that may be used in conjunction with the proposed development. Analysis and testing must be consistent with the *Water Act* and Alberta Environment *Guide to Groundwater Authorizations*;
 - c) A hydrogeology report prepared by a qualified hydrogeologist having a professional engineer or professional geoscientist designation. Any hydrogeology report submitted to Lac Ste. Anne County may be provided to the water portal and shared with all users of the water portal. The hydrogeology report shall be prepared in a manner consistent with must be consistent with the *Water Act* and Alberta Environment *Guide to Groundwater Authorizations*. Where extraction is occurring below the water table, the report will include the following:
 - i) Location and description of existing water users (i.e., water wells);
 - ii) Description of the geology, hydrogeology, and surface water features on and surrounding the site;
 - iii) Hydrogeological cross-sections showing hydrostratigraphy and groundwater levels;
 - iv) Aquifers;
 - v) Surface water and groundwater interactions;
 - vi) Proposed dewatering plan and discharge locations;
 - vii) Groundwater quality;
 - viii) Water diversions;
 - ix) Site water budget;
 - x) Impact assessment including existing water users and natural features; and
 - xi) Mitigation and monitoring measures;
 - d) Any hydrogeology report prepared in support of a *Water Act* licence.
- Surface Water*
- 3.5.14 The applicant shall include the following information related to surface water to the satisfaction of the Development Authority:
- a) Site plans in duplicate at a scale satisfactory to the Development Authority (it is recommended that the scale drawings be developed and printed on 11" X 17" paper at a minimum) showing the storm drainage plan including surface and groundwater management measures, and direction of drainage.
 - b) A description of the current surface drainage patterns on the site and the anticipated drainage patterns once the reclamation is complete.
 - c) Consideration of the presence (including downstream) of commercial, recreational, or Aboriginal fisheries that may be affected by changes in the surface water drainage patterns, including but not limited to:
 - i) Water quality and sediment transport;
 - ii) Changes in flow and velocity;
 - iii) Fish passage; and

- iv) Thermal regime, as described under the Federal *Fisheries Act*.
- d) An analysis of the potential for adverse impact on surface water as a result of the extraction and reclamation.

Noise

3.5.15 The applicant shall include the following information related to noise to the satisfaction of the Development Authority:

- a) Site plans in duplicate at a scale satisfactory to the Development Authority (it is recommended that the scale drawings be developed and printed on 11" X 17" paper at a minimum) which provides the acoustic mapping of the site;
- b) A description of measures to be taken to minimize noise to neighboring properties;
- c) A written assessment including a description of mitigation measures that will be implemented as part of the overall resource extraction operation to reduce acoustic impacts on adjoining land uses; and
- d) Confirmation that any crusher located on the site shall be located at the bottom of the excavation area as soon as reasonably possible and shall be located so that any muffler located on the crusher is pointed towards the wall of the excavation area or any other structure or surface that may act as a noise barrier (e.g., berm or on-site building).

Dust

- 3.5.16 To the satisfaction of the Development Authority, the applicant shall include the following information on the details of the dust control measures to be implemented, including the suppressant materials or methods to be used on the pit floor and on stockpiles located on the site, and the estimated frequency for the application.

Additional Requirements

- 3.5.17 The Development Authority, at the Development Authority's discretion, may require any other additional information or documentation as required to determine the suitability of the proposed development.
- 3.5.18 As part of the development permit application, the Development Authority may require that the applicant provide written consent to enter upon the subject site to verify compliance of all existing and proposed development(s) with this Bylaw.
- 3.5.19 The Development Authority may waive any requirement set out in this Section, if, under a unique planning circumstance, the Development Authority is satisfied by submission of a professional assessment that the waiver of the requirement for information or documentation relating the profession's subjectmatter is justified.
- 3.5.20 The Development Authority may, if it is processing a development permit for an extension for a previously approved Aggregate Resource Extraction or Aggregate Resource Processing, do the following:
- a) Determine that the application information submitted with the original development permit application in whole or in part satisfies the application requirements for the development permit for the extension; or

- b) Determine that additional information shall be submitted for the development permit for the extension, even if such information was not required for processing the original development permit application.

Campgrounds

- 3.5.21 For a development permit application for a Campground – Major or Campground – Minor use, the Applicant must conduct an Open House pursuant to section 3.5.2.

Cannabis Production

- 3.5.22 For a development permit application for a Cannabis Production facility, the Application must conduct an Open House pursuant to section 3.5.2.

Cannabis Retail Sales

- 3.5.23 An application for Cannabis Retail Sales use shall require:
 - a) Proof of provincial license;
 - b) Details of site location and surround uses; and
 - c) Detailed floor plan that provides dimensions.

Communication Towers

- 3.5.24 An application for a Communication Tower must comply with the requirements of the County's Communication Tower Policy

Home Based Businesses

- 3.5.25 For a development permit application for a Home Based Business – Major within a multiparcel subdivision, the Applicant must conduct an Open House pursuant to section 3.5.2.
- 3.5.26 An application for a development permit for a Home Based Business – Major or a Home Based Business – Minor shall included the following:
 - a) A detailed description of the business.

- b) Typical hours of operation.
- c) Number of resident and non-resident employees.
- d) Number of vehicle trips per day.
- e) A site plan indicating:
 - i) Location of Outdoor Storage and potential measures to mitigate visual and noise impacts on adjacent properties;
 - ii) Parking layout; and
 - iii) A breakdown of the business use area in relation to the remainder of the property.
- f) Any other information requested by the Development Authority.

Industrial Developments

- 3.5.27 At the discretion of the Development Authority, any non-aggregate industrial development within 0.5 km (0.31 miles) of a water body may be subject to the provisions of section 3.4.

Micro Homes

- 3.5.28 A development permit application for a Micro Home use shall meet the requirements of Section 3.4 in addition to providing the following:
 - a) Detailed floor plan that provides dimensions; and
 - b) Elevation drawings that convey the architectural character of the Micro Home.
 - c) A Kitchen and Washroom within the Micro Home.

Mobile Homes Older Than 20 Years

3.5.29 An application for a development permit for a Mobile Home older than 20 years old at the time of application must include an inspection report prepared by a licensed Safety Codes Officer to the satisfaction of the development authority.

Non-Aggregate Stripping, Filling, Excavation and Grading

3.5.30 A development permit application for site stripping, filling, excavation, grading, and/or re-contouring (including construction of artificial water bodies and dugouts) shall include the following information:

- a) parcel where the excavation, stripping, or grading is to be
Location and area of the site on which the development is proposed;
- b) Existing land use and vegetation;
- c) Type of excavation, stripping, or grading proposed, showing dimensions of the operation or the area of the land and depth to which the topsoil is to be removed, and the effect on existing drainage patterns;
- d) Location on the parcel where the excavation, stripping, or grading is to be made on the parcel.
- e) Condition in which the excavation, stripping or grading is to be left when the operation is complete (including submission of site grading or re-contouring plans if required by the Development Officer or MPC) or the use of the area from which the topsoil is removed; and
- f) Where, in the process of development, areas require levelling, filling, or grading, the topsoil shall be removed before work commences, stockpiled, and replaced following the completion of the work

Relocation of Buildings

3.5.31 Any building to be moved in or placed within any district established by this Bylaw, other than a Farm Building in an agricultural district, will require approval by the Development Authority.

3.5.32 An application to relocate a building shall require:

- a) Properly labeled colour photos of all sides of the structure;
- b) A statement of the present location of the building;
- c) A notification of the relocation route, date, and time that the relocation is to take place;
- d) A complete site plan showing all buildings located or to be located on the parcel; and
- e) A deposit of:
 - i) \$4000.00 for a habitable residence; or
 - ii) \$1500.00 for any other structure greater than 27.87 m² (300 ft²).

3.6 Notice of Complete Application

- 3.6.1 Within twenty (20) days of the receipt of the application for development permit the development officer shall determine if the application is complete.
- 3.6.2 If the Development Officer concludes the application for the development permit is complete the Development Officer shall issue a notice to the applicant indicating that the application is complete.
- 3.6.3 If the Development Officer concludes the application for the development permit is incomplete the Development Officer shall issue a notice in writing indicating to the applicant what outstanding documents and information must be submitted to make the application complete. The notice must indicate the date by which the additional information is to be submitted.
- 3.6.4 If the applicant fails to submit the outstanding information by the date set in the notice the application is deemed refused and the Development Authority shall issue a notice to the applicant indicating that the application is refused and the reasons for the refusal.
- 3.6.5 At any time the applicant and the Development Officer can, in writing, extend the time prescribed in Section 3.6.1 that the Development Officer has to determine if an application is complete.
- 3.6.6 At any time prior to the date prescribed in the notice issued pursuant to Section 3.6.3 for the applicant to submit the additional information required to complete the application, the applicant and the Development Officer can, in writing, extend the date by which the information required to complete the application must be submitted.

3.7 Notice of Proposed Development

- 3.7.1 Prior to an application for a discretionary use being considered, the Development Authority may require the applicant, at the applicants expense, to provide notice of the application using one or more of the following methods:
 - a) A notice to be published in the local newspaper to the satisfaction of the development Authority, for at least 2 consecutive weeks;
 - b) A notice by regular mail to all properties within a 2.0 mile (3.22 km) radius of the proposed development location;
 - c) A similar notice to be published on the County website.
- 3.7.2 The notices issued pursuant to Section 3.7.1 shall state:
 - a) The proposed use of the building or parcel.
 - b) That an application respecting the proposed use will be considered by the Development Authority.
 - c) That any person who objects to the proposed use of the parcel may deliver to the Development Authority a written statement of their objections indicating:
 - i) Their full name and address for service of any notice to be given to them in respect of the objection; and
 - ii) The reasons for their objections to the proposed use.

3.8 Referrals for Development Permit Applications

- 3.8.1 The Development Authority may refer any application to any person it deems necessary.

3.8.2 The Development Authority may refer any development permit application to the MPC for review and comment.

3.8.3 Referrals shall include the following information:

- a) The date by which objections must be received by the Development Authority; and
- b) The date, time and place the application will be considered by the Development Authority.

3.8.4 At the discretion of the Development Authority, interested person(s) may be provided with an opportunity to make representation on the application as part of the development permit application review process.

Referrals to External Agencies

3.8.5 The Development Authority may refer any development permit application to another municipal department or external agency for their review and comment. The following is a description of mandatory referrals to external agencies.

- a) Alberta Transportation: The applicant shall be required to obtain an approval from Alberta Transportation, in the following circumstances:
 - i) Subdivision applications within 1600.0 m (1.0 miles) of a provincial highway;
 - ii) Development permit applications within 300.0 m (0.19 miles) of a provincial highway; and
 - iii) Development permit applications within 800.0 m (0.50 miles) of a provincial highway intersection.
- b) Alberta Energy Regulator (AER):

- i) An application for a permanent dwelling, public facility or unrestricted country residential development, as defined by the AER, shall be referred to the AER if and of the land that is subject to the application is within 1.5 kilometres of a sour gas facility.
- ii) The applicant shall be required to obtain approval from AER for developments within 100.0 m (328.08 ft) of sour gas, gas or oil facilities in accordance with AER regulations;
- c) Alberta Health: The applicant may be required to obtain an approval from Alberta Health, subject to location of the subject property, at the discretion of Development Authority.
- d) Critical wildlife, vegetation, and physical environments: To support the preservation of land that is identified or determined by the municipality to be a critical wildlife habitat, vegetative area, and/or physical environment, the Development Authority may refer any development permit application that may adversely affect the subject or adjacent property to the appropriate government department for comments and recommendations;
- e) Crown land development: When the municipality receives a development application that is to be located on Crown land or near a regionally significant or natural area, a copy of the development permit application shall be forwarded to the appropriate government department for comment and recommendations;

Referrals to Landowners

- 3.8.6 The Development Authority shall refer the following development permits to adjacent land owners for review and comment:
- a) Garages over 1200 sq. ft. in multiparcel subdivisions;
 - b) Intensive or Extensive Recreation uses in all districts except those districted Commercial Recreation (CREC);
 - c) Home Based Business Major in multiparcel subdivisions;
 - d) Cannabis Production facilities.
- 3.8.7 The Development Authority shall refer setback variance requests of 70% or more to the landowner directly impacted by the variance setback for review and comment.
- 3.8.8 Inter-municipal referrals: The Development Authority may refer the application for subdivision, development permit, and rezoning to the adjacent municipalities subject to the following criteria:
- i) All subdivision and development within 3.20 km (2.0 miles) of the corporate property line of a Town, Village, or Summer Village shall be subject to the urban fringe policies of the Lac Ste. Anne County MDP;
 - ii) All subdivision and development applications on parcels within 800.0 m (0.50 miles) of the corporate property line of a rural municipality where the main use is a discretionary use; and
 - iii) Notwithstanding the above, subdivision and development proposals that may have an impact on another municipality or that will require services

from another municipality or may have an adverse impact on the neighboring municipality.

3.9 Decision on Development Permit Applications

Permitted Use Applications

- 3.9.1 The Development Authority shall be the approving authority for all proposed development that is listed as either a permitted or discretionary use under a land use district contained in Part 3 of this Bylaw. Any development permit application may be referred to the MPC for decision at the discretion of the Development Authority.
- 3.9.2 Upon receipt of a completed application for a development permit for a permitted use, the Development Authority shall approve the application, with or without conditions, where the proposed use conforms to this Bylaw.

Discretionary Use Applications

- 3.9.3 Development permit applications for all discretionary uses under land use districts contained in Part 3 of this Bylaw may be referred to the MPC for their review and decision.

Direct Control District Applications

- 3.9.4 Upon receipt of a completed application for a development permit pursuant to a Direct Control District, the Council may, and prior to making a decision, refer the application to the Development Authority or any municipal department or external agency for comment.

- 3.9.5 At some point, as determined by Council, prior to deciding upon the development permit application before it, the Council may provide public notice, through means and to whom it considers necessary, that a decision on a development permit pursuant to a Direct Control District is to be made and that Council may afford an opportunity to any interested person to make representation on the application and shall take into account any such representations made when giving final consideration to the said application.

- 3.9.6 The Council may approve, with or without conditions, or refuse the application, giving reasons for the refusal.

Temporary Use Approval

- 3.9.7 Where a development is not required on a permanent basis, the Development Authority may approve the proposed development permit for a specified period of time. The expiry date of all temporary development permits shall be clearly indicated on the notice of decision.

Decisions on Development Adjacent to Environmentally Sensitive Areas

- 3.9.8 The municipality may use the recommendations of an environmental audit or Environmental Impact Assessment as a basis for:
- a) Reasons for issuing a development permit with or without conditions; and
 - b) Reasons to refuse a development permit application.

3.10 Variance Provisions

3.10.1 The Development Authority may approve an application for a development permit, notwithstanding that the proposed development does not comply with this Bylaw if, in the opinion of the Development Authority, the proposed development would not:

- a) Unduly interfere with the amenities of the neighborhood;
- b) Materially interfere with or affect the use, enjoyment, or value of the neighboring properties; and
- c) The proposed development conforms to the use prescribed for the land or building in this Bylaw.

3.10.2 In approving an application for a development permit the Development Authority shall adhere to the general purpose and intent of the appropriate land use district and to the following:

- a) A variance shall be considered only in cases of unnecessary hardship or practical difficulties particular to the use, character, or situation of land or building that are not generally common to other land in the same land use district;
- b) Except as otherwise provided in this Bylaw, there shall be no variance from the regulations prescribing dwelling density; and
- c) Notwithstanding other provisions related to the granting of variances, the Development Authority may vary a development control standard at their discretion.
- d) Applications requiring a variance shall be referred as follows:

- i) for setback variances of greater than 70%, the application shall be referred to the affected landowner of the adjacent parcel;
- ii) for front setback variances of greater than 25%, the application shall be referred to Public Works for comment regarding the setback.

3.11 Deemed Refusal

3.11.1 In accordance with the MGA, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the Development Authority is not made within forty (40) days of the completed application being received by the Development Authority unless an agreement to extend the forty (40) day period herein described is established between the applicant(s) and the Development Authority.

3.11.2 In accordance with MGA, an incomplete application for a development permit shall be deemed to be refused if the applicant fails to submit the information required to complete the application to the development authority within the time prescribed in the notice, issued by the Development Officer to the applicant, that indicates the application is incomplete and identifies the information that must be submitted in order for the application to be complete.

3.12 Notice of Decision

3.12.1 A notice of decision shall be delivered to the applicant in the following manner;

- a) By mail; or
- b) Pursuant to section 608 of the Municipal Government Act, where the applicant and/or the landowner has consented to receive documents from the County by electronic means and has provided an email address for that purpose, the Notice of Decision shall be sent by email. Where multiple landowners are listed on the application, notification will be sent by email to all landowners who have consented to receive electronic notification and provided an email address.

3.12.2 A development permit does not come into effect until twenty one (21) days after a notice of decision is communicated. Any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.

3.12.3 The Development Authority may require a notice of decision to be:

- a) Published in a newspaper circulating in the area; or
- b) Published on the County website.
- c) Be mailed to the directly adjacent landowners.

The Development Authority may require a notice of decision to be provided by any means other than those listed above, or by any other means not listed above.

3.12.4 Development permits issued for permitted uses where the proposed development is in complete conformance with this Bylaw need only be advertised, at the discretion of the Development Authority, to the applicant and Landowner of the subject property.

3.12.5 Where an application for a development permit has been refused, the notice of decision need only be sent by mail to the applicant.

3.12.6 Where an appeal is lodged against a notice of decision of the Development Authority, the Subdivision and Development Appeal Board, or the Alberta Court of Appeal, a development permit shall not come into effect until the appeal has been finally determined.

3.12.7 Where a development permit has been refused, an application for a development permit for a similar use for the same site will not be accepted for a period of 24 months from the date of the Development Authority's decision on the previous application.

3.13 Development Permit Conditions

General Conditions for All Development Permits

- 3.13.1 Subsection 3.13 contains standard conditions that apply to all development permits. The Development Authority may amend or remove any of the conditions listed or add additional conditions not referenced here as needed on a case by-case basis.
- 3.13.2 In addition to other requirements of this Bylaw, the Development Authority shall require the applicant to enter into an agreement and to abide by any or all of the following as conditions of approval for a development permit application:
- a) Install or pay for the installation of utilities (i.e., water, sewer and natural gas);
 - b) Pay for an off-site levy or redevelopment levy imposed by bylaw;
 - c) Prior to construction or commencement of any development, the owner/applicant or contractor is responsible to obtain building, electric, plumbing, sewage, and gas permits, if required. Permits must be obtained from Lac Ste. Anne County. The applicant is required to consult with the permit issuer to ensure that there are no conflicts between homeowner/contractor permits and the person(s) responsible for performing the actual work;
- 3.13.3 Prior to construction or commencement of any development, the owner/applicant or contractor is responsible to obtain building, electric, plumbing, sewage, and gas permits, if required. Permits must be obtained from Lac Ste. Anne County. The applicant is required to consult with the permit issuer to ensure that there are no conflicts between homeowner/contractor permits and the person(s) responsible for performing the actual work;
- 3.13.4 The applicant shall be responsible for obtaining and complying with any required permits from federal, provincial, or other regulatory bodies. The Applicant shall also be responsible for complying with the condition of any easement, covenant, building scheme, or development agreement affecting the site.
- 3.13.5 The development that is the subject of the permit be commenced within twelve (12) months of the issue date of the development permit and be completed within twenty fourth (24) months;
- 3.13.6 This decision to require the structure be completed within two years from the date of issuance; if this decision is appealed (to the Subdivision and Development Appeal Board {SDAB} or Municipal Government Board {MGB}), any new decision will be valid for the length of time indicated in the decision issued by the SDAB or MGB.
- 3.13.7 All development shall be landscaped and graded in a manner that all surface run-off is either contained on-site, or public drainage system (i.e., a municipal ditch). Any changes to drainage shall require Water Act Approval from Alberta Environment and Parks.
- 3.13.8 The applicant shall remove all garbage and waste at his/her own expense and keep the site in a neat and orderly manner.
- 3.13.9 Any field work or construction undertaken prior to the effective date of the development permit is at the risk of the Owner(s)/Applicant(s).
- 3.13.10 The Applicant must obtain Public Works approval for all approaches required for the proposed development.
- 3.13.11 Any changes, amendments, or additions to this development permit shall require a new development permit application, including but not limited to an expansion or intensification of the use.

3.13.12 The proposed development shall be sited and conform to all building setbacks as shown on the submitted drawing, shall not be moved or enlarged except where authorized and conform to all building setbacks as required as per the Land Use Bylaw requirements.

3.13.13 All arrears including property taxes that may be owed by the Applicant to the County are to be paid in full.

3.13.14 Failure to conform to the conditions of a permit will render it null and void.

3.13.15 All development shall be landscaped and graded in a manner that all surface run-off is either contained on-site, directed into an existing water body (i.e., a lake or stream) or public drainage system (i.e., a municipal ditch).

3.13.16 Any field work or construction undertaken prior to the effective date of the development permit is at the risk of the owners/applicants.

3.13.17 Any changes or additions to a permit shall require a new development permit application.

3.13.18 For garages or Accessory Buildings as built prior to construction of the principal building on a multi-parcel subdivision parcel, the applicant will be required to submit a security deposit of \$2000.00 to Lac Ste. Anne County prior to any construction to ensure an application for a residence is submitted within three (3) years from the date of this approval. The deposit will be refunded upon county inspection for commencement of an approved residence on said parcel.

3.13.19 In addition to the requirements set out in Subsection 3.13.2, the Development Authority may also require the applicant to enter into an agreement and to abide by any or all of the following as conditions of approval for a development permit application:

3.13.20 Construct or pay for the construction of public roadways or parking areas;

a) Construct or pay for a pedestrian walkway (sidewalk) system to serve the development;

b) Repair, reinstate, or pay for the repair or reinstatement to original condition of the curbing, sidewalk, and boulevard, and landscaping, which may be damaged or otherwise affected by the development or building operations on the site; and

3.13.21 Additional conditions for development permit approval as described below for specialized uses.

3.13.22 The applicant must obtain Public Works approval for all approaches required for the proposed development.

3.13.23 The building should be connected to municipal service (water and/or sewer) at the applicant's expense.

3.13.24 The applicant/owner shall enter into an Overland Drainage Easement and Restrictive Covenant with the Lac Ste. Anne County, in a form and on terms and conditions satisfactory to the County, which shall be registered against title to the lands prior to the commencement of development.

Conditions for Aggregate Resource Extraction or Processing Applications

General

3.13.25 The applicant shall ensure that all aspects of the extraction and reclamation operation take place in full compliance with the approved application.

3.13.26 The applicant shall ensure that all aspects of the extraction and reclamation operation take place in full compliance with any requirements or recommendations contained within any professional's report submitted as part of this development permit, including but not limited to, a hydrogeology report, surface water report, noise impact report, traffic impact report, and environmental impact assessment.

3.13.27 All aggregate resource extraction or aggregate resource processing uses shall require the applicant to enter into a development agreement pursuant to Section 650 of the *Municipal Government Act* with Lac Ste. Anne County if such agreement is deemed necessary by Lac Ste. Anne County; the agreement shall contain terms satisfactory to Lac Ste. Anne County.

3.13.28 The applicant shall pay to the County all costs incurred in reviewing the development permit application and ensuring compliance with the same, including but not limited to compliance with the activities plan and reclamation plan. Further details of cost recovery may be outlined in the development agreement or aggregate haul agreement.

3.13.29 Any changes, amendments, or additions to this development permit shall require a new development permit application, including but not limited to an expansion or intensification of the use.

3.13.30 Failure of the applicant to conform to any of the conditions of the development permit will render it null and void.

3.13.31 The aggregate extraction site including processing, reclamation or other areas involving related activities may be subject to inspection at any time deemed necessary by the County.

3.13.32 The applicant shall provide the County (and its agents) with access to the lands and all records necessary and beneficial to satisfy the County that the applicant has complied with this development permit, the terms and requirements of the aggregate haul agreement, and the requirements of the development agreement, including without limiting the generality of the foregoing:

- a) All information that verifies the details in the aggregate shipped tonnage roll for the lands;
- b) Tonnage of aggregate stockpiled on the lands or elsewhere; and
- c) Tonnage of aggregate removed from the lands.

3.13.33 Without limiting the generality of the foregoing, the access mentioned in Subsection 3.13.32 shall include the ability of the County or its agents to inspect the applicant's operations to ensure compliance with the development permit, aggregate haul agreement, and development agreements and impose the costs for the audit on the applicant if it is found that the applicant did not provide accurate or complete information including aggregate levels.

3.13.34 The applicant shall provide the County with copies of any and all plans and reports on wetland compensation required by and submitted to AESRD. The plans and reports shall be submitted to the County concurrently with the submission of reports to AESRD.

3.13.35 Aggregate extraction shall not take place on any area designated with a reserve caveat placed by the County.

Hours of Operation

3.13.36 Hours of operation for aggregate resource extraction shall be determined on a case-by-case basis, with the following considerations:

- a) Noise impacts
- b) Light pollution
- c) Use and enjoyment of adjacent properties
- d) 24 hrs/day, 6 days/week (in all Policy Areas where aggregate extraction and processing is allowed except in the Rural Residential Policy Area) subject to confirmation of noise impacts, noise mitigation plans and other applicable reports;
- e) Shall not operate or haul on Sundays and Statutory Holidays (including but not limited to, New Year's Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Heritage Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day), unless prior approval has been obtained from the County.

Duration

3.13.37 All work for the development that is the subject of a development permit is to be commenced within twenty-four (24) months of the effective date of all regulatory approvals.

3.13.38 The development permit shall expire five (5) years from the date all regulatory approvals are issued. All extraction activity, excluding reclamation work, must cease upon the expiration of the development permit, unless a new development permit has been applied for and approved by Lac Ste. Anne County. Final reclamation work of grading and seeding must be completed within the greater of one (1) year of all extraction activities ceasing on the site, or one (1) year from the expiry of the development permit. This deadline does not apply if an application has been made and a development permit approved for the continuation of extraction activities on the site.

3.13.39 The applicant is advised that any application for an extension of the aggregate resource extraction operation beyond the term of the development permit is subject to review by the Development Authority, who shall be notified in writing of any request for an extension. Such requests shall be accompanied by the appropriate development permit application fee, if required. It is expected that any request for an extension shall be made no less than six (6) months prior to the expiry date of this development permit.

3.13.40 Notwithstanding the above, where the submitted and approved activities plan and reclamation plan for the aggregate resource extraction or aggregate resource processing use evidence that the aggregate resource extraction or aggregate resource processing use will cease within five (5) calendar years from the date when an application for a development permit for a new residential use within a country residential District is submitted, the requirement for a restrictive covenant may be waived.

Reclamation and Restoration

3.13.41 The applicant shall ensure the final completion of reclamation of the site within one (1) year of extraction operations ceasing in the open pit area and completion of restoration of environmental features in a phased approach within two (2) years as outlined in Subsection 3.13.38. In this regard, the applicant shall:

- a) Obtain development and reclamation registration from AESRD, including the provision of security to the satisfaction of AESRD for a Class I pit, if applicable; and
- b) Upon satisfactory completion of reclamation on-site, the applicant shall obtain a reclamation certificate from AESRD and provide a copy of the same to the County for a Class I pit.

3.13.42 If operations of the aggregate resource extraction use are abandoned prior to the expiration of the development permit, the applicant shall complete the reclamation of the site in accordance with the reclamation plan within one (1) year of the abandonment of the operations on the site. For the purposes of this condition, the operation of the aggregate resource extraction use shall be deemed to be abandoned if the applicant fails to haul aggregate from the site for a period of more than two (2) years.

3.13.43 Obtain necessary approvals for the restoration plan with detailed site plans for implementation. Establish necessary agreements with other parties for any off-site wetland compensation.

Operations, Safety, and Emergency Response Plan

3.13.44 The applicant shall provide a copy of the emergency response plan for the site prior to commencing extraction activity. The emergency response plan shall comply with the requirements of this Bylaw to the satisfaction of the Director of Emergency Management.

3.13.45 The applicant shall ensure that there is an adequate provision for fire prevention and protection to the satisfaction of the Fire Chief for Lac Ste. Anne County.

3.13.46 The applicant shall install, at the applicant's sole expense, appropriate signage on and near the site that in the sole discretion of the Development Officer is required for public safety, which includes, but is not limited to "TRUCKS TURNING" signs and "DANGER OPEN PIT" signs. The location of any such signs shall be approved by Public Works for Lac Ste. Anne County and the sign shall be of a professional grade as approved by Alberta Transportation.

3.13.47 The applicant shall construct and install, at the applicant's sole expense, a fence along all property lines adjacent to a public roadway or within 100.0 m (328.08 ft) of a residential dwelling, to the satisfaction of the County and shall ensure that the lands are securely gated and locked when not in use by the applicant.

3.13.48 The applicant shall ensure that there is appropriate lighting of the site so as to provide security and to add visual interest. Lighting standards and fixtures shall be located and arranged so that no light is directed at any adjoining properties and so that it does not interfere with the effectiveness of any traffic control device.

3.13.49 The applicant shall remove all garbage, waste, recyclables, and used oil from the lands and dispose of such materials in an approved disposal facility. The applicant shall keep the lands in a clean and orderly manner, at the applicant's own expense, including but not limited to, ensuring appropriate waste receptacles are located on the lands, that no garbage or waste is imported onto the lands, and that any trees that may be required to be removed from the excavation site are properly piled.

3.13.50 The applicant shall supply, at the applicant's own expense, portable commercially serviced toilets to be used on the lands during the entire term of the permit.

3.13.51 No highly explosive materials used for blasting will be used or stored on the premises. No activity shall be allowed that would interfere with radio or television in the area, nor there be any offensive odour, heat, or glare noticeable at or beyond the property line.

3.13.52 Only CSA-approved double walled fuel containment vaults shall be allowed on-site at any time.

3.13.53 Secondary containment, not less than 100% of the largest container, shall be provided to all areas where lubricating oil is stored on-site.

Security

3.13.54 Development permit fees shall be paid and the development permit must be issued prior to the commencement of any work to prepare the site for the aggregate resource extraction operation including, but not limited to, the construction of fencing, the placement of signage, the stripping of topsoil, or the mobilization of equipment on the site. Failure to pay the development permit fees may, at the discretion of the Development Authority, result in the suspension of the development permit.

3.13.55 The applicant for an aggregate resource extraction or aggregate resource processing use shall provide a letter of credit or other acceptable security to the County to ensure complete reclamation of the site. The security shall be held in a non-interest bearing account and shall be returned to the applicant once the development permit conditions and the development agreement have been fulfilled.

3.13.56 At no time shall the County be liable for any actions of the operation, and no cost shall be incurred by the County.

3.13.57 The applicant shall assume all liability for all damages to persons and property of all kinds or in any way due to the operation whether the same has been negligently operated or not.

Screening

3.13.58 No storage or display of goods shall be visible from outside the structure. No stockpile of any type shall be higher than 12.2 m (40 ft) from pre-development ground height.

3.13.59 The applicant shall provide berms directly adjacent to roadways, on terms acceptable to the Development Authority or as outlined in an approved reclamation plan. The berms shall be constructed no later than six (6) months after the issuing of a development permit. Upon reclamation, berms are to be removed.

Transportation of Aggregate Off-Site

3.13.60 The applicant shall enter into and abide by the provisions of an Aggregate Haul Agreement with Lac Ste. Anne County. The Agreement shall include terms to the satisfaction of the Development Officer, including but not limited to, the following:

- a) Dust control measures and road maintenance;
- b) Security requirements;

- c) Signage;
- d) Hours of operation for hauling;
- e) Haul routes, which may differ between routes for empty trucks as opposed to routes for loaded trucks;
- f) Haul routes that require paving and the time from issuance of a development permit for all paving to be completed; and
- g) Maximum truck numbers and volume.

- 3.13.61 The aggregate haul agreement shall be executed by the applicant prior to the commencement of excavation work on the site.
- 3.13.62 The haul route may be amended from time to time, when in the opinion of the County circumstances warrant the haul route agreement to be amended.
- 3.13.63 The applicant shall enter into and abide by the provisions of a development agreement, if such agreement is deemed necessary by Lac Ste. Anne County, addressing the issues referenced in Section 650 of the MGA; the Agreement shall contain terms satisfactory to Lac Ste. Anne County.
- 3.13.64 The applicant shall not undertake any work or construction on the lands, including grading, prior to entering into a development agreement and aggregate haul agreement with the County.
- 3.13.65 The applicant shall obtain approval from the County for the location of any and all accesses to the development and any and all accesses approved, shall be constructed to the standards and specifications of the County, at the applicant's sole expense. Any access constructed by the applicant is subject to inspections by the County at any time during regular business hours, to ensure compliance with the County's standards and specifications.
- 3.13.66 The applicant shall ensure that no vehicle accessing the site shall be permitted to park on any municipal road. In this regard, an on-site parking area shall be provided to accommodate all vehicles waiting to load materials.
- 3.13.67 The applicant shall ensure that no gravel trucks enter or exit the lands when a school bus is within 300.0 m (984.25 ft) of the access to the lands.
- 3.13.68 The haul routes referenced in the road haul agreement may include a different route for the empty trucks as opposed to the haul route for loaded trucks.
- 3.13.69 All haul routes shall be paved within two (2) years of the issuance of a development permit, with timing to be addressed in the development agreement.
- 3.13.70 The applicant shall comply with the aggregate haul agreement. All trucks shall be clearly marked to the satisfaction of the Development Officer.
- 3.13.71 The applicant shall, prior to undertaking any work on county roads, obtain the consent of the County to do such work. This shall include but shall not be limited to the installation of signage on County road right-of-ways.
- 3.13.72 The applicant shall provide regular gravel truck counts to the County for every vehicle once every quarter, in a manner suitable to the County, during the operation of the pit, as detailed in the aggregate haul agreement.
- 3.13.73 An aggregate extraction or processing operation shall not create vehicle or pedestrian traffic that would be disruptive to the receiving parking area.

Surface Water

3.13.74 The applicant shall ensure that the development does not cause any adverse drainage impact on adjacent property or flooding of nearby ditches in excess of their capabilities.

3.13.75 Any required *Water Act* approvals must be obtained prior to County approval.

3.13.76 All portions of the site that will not be excavated shall be landscaped in a manner that all surface run off is contained on-site, unless *Water Act* approval has been granted stating otherwise. Portions of the site that will be excavated shall be landscaped in accordance with the reclamation plan. The reclamation plan shall detail how surface run-off will be managed.

Groundwater

3.13.77 The applicant shall ensure that the development does not cause any adverse groundwater impacts on adjacent existing water users, aquifers, or the natural environment.

Noise

3.13.78 The applicant shall preserve all existing stands of trees and shrubbery outside of the development area for environmental and sound attenuation purposes.

3.13.79 The applicant should adopt a purchasing policy that includes consideration of noise attenuation for all new plant equipment.

3.13.80 The applicant shall undertake all noise mitigation measures specified in the aggregate haul agreement, which should include:

- a) Avoiding unnecessary revving of engines and switch off equipment when not required;

- b) Ensuring plant and vehicles are properly maintained, and regularly checking silencers and bearings to ensure dust population is minimized; and

- c) Using rubber linings where possible in chutes and dumpers to reduce impact of noise.

Vegetation Control

3.13.81 The applicant shall ensure that weed and invasive species control measures are in place for the life of the pit, which shall be at the applicant's sole expense. The applicant shall work with Lac Ste. Anne County's Agricultural Service Board to develop and implement an active weed control program for the development. The applicant shall contact Lac Ste. Anne County's Agricultural Services Manager or Assistant Agricultural Services Manager for guidance.

3.13.82 The applicant shall ensure that the lands are seeded and vegetation maintained, where possible, or planted, at the applicant's sole expense, as required by the County. The applicant may work with Lac Ste. Anne County's Agricultural Service Board to develop and implement a seeding and vegetation program for the development. The applicant shall contact Lac Ste. Anne County's Agricultural Services Manager or Assistant Agricultural Services Manager for guidance.

Dust

3.13.83 The applicant shall ensure that all extraction activities be carried out so as to create a minimum of dust, noise and environmental disturbance. The Development Authority may, in its sole discretion, require the implementation of administrative controls to minimize the impact of noise and dust beyond the property lines of the site.

Monitoring and Reporting

3.13.84 A monitoring and mitigation plan or Environmental Management Plan (EMP) shall be implemented based on the recommended monitoring and mitigation measures outlined in the Environmental Impact Assessment and supporting environmental studies. The EMP shall:

- a) Provide a link between monitoring results and the implementation of mitigation or contingency measures if needed, including communication and reporting protocols;
- b) Outline baseline environmental conditions pre-construction;
- c) Provide guidelines for protection of groundwater and sensitive environmental features or wildlife;
- d) Provide details of the monitoring measures, frequency, locations, and triggers;
- e) Detail resulting contingency or mitigation measures and outline best management practices for operations to reduce potential for environmental issues.

3.13.85 An annual monitoring report shall be prepared for County review, including:

- a) Summary of monitoring results;
- b) Assessment of impacts;
- c) Compliance with conditions of approval;
- d) Recommended changes to monitoring and mitigation measures or locations; and
- e) Summary of any complaints received and follow-up actions.

Other Approvals

3.13.86 The applicant shall ensure that all trucks used in connection with the development are clearly marked as per the applicable federal, provincial, or municipal requirements.

3.13.87 The applicant shall obtain written consent from all pipeline, easement, and right-of-way holders that have an interest registered on the certificate of title for the lands and provide copies of such consents to the County.

3.13.88 Approval of this application does not excuse the applicant from ascertaining and complying with the requirements of any federal, provincial, or municipal legislation or the condition of any easement, covenant, building scheme, or development agreement affecting the lands.

3.13.89 The applicant is responsible for obtaining and complying with any required permits from federal, provincial, or other regulatory bodies. The applicant is also responsible for complying with the condition of any easement, covenant, building scheme, or development agreement affecting the site.

3.13.90 The operation of the aggregate resource extraction use shall be compliant with all provincial and federal legislation including but not limited to legislation directed at protection of the environment, human health, and the management of hazardous waste and the reporting of hazardous spills.

3.13.91 Applicant must provide all required federal and provincial approvals to the County within thirty (30) days of approval.

3.13.92 The applicant shall notify the County within sixty (60) days if the applicant applies for a change and/or if any change to any provincial approval related to the operation of the aggregate resource extraction use is approved by the Province.

Public Consultation Process

3.13.93 The applicant shall be required to undertake public consultation in accordance with the MGA for all re-districting applications to re-district the land to Aggregate Resource Extraction and Processing (AR) district.

Conditions for Commercial Development

3.13.94 Notwithstanding other provisions in this Bylaw, any commercial development will be subject to the following conditions:

- a) The site shall be re-districted to commercial land use district for any commercial development;
- b) The applicant will be required to provide an emergency and fire protection plan; and
- c) The applicant will be required to submit an engineering assessment evaluating the storm water management capacity of the site and potential solutions for mitigating the impacts on the capacity of the overall storm water basin.

Conditions for Crushing, Washing and Asphalt Plant Applications

3.13.95 The hours of operation for a crushing, washing or asphalt plant should be determined as follows:

- a) 24 hrs/day, 7 days/week (in all Policy Areas where aggregate extraction and processing is allowed except the rural residential Policy Area).
- b) 7:00 a.m. to 7:00 p.m. Monday through Friday (in rural residential Policy Area).

Conditions for Development Adjacent to Environmentally Sensitive Lands

3.13.96 The Development Authority may require any or all of the following as a condition of approval for a development permit application on land that has been identified as environmentally sensitive in the Lac Ste. Anne County Environmental Inventory:

- a) That measures be taken to ensure that infiltration into area slopes, the subject property, and adjacent lands are minimized;
- b) That private driveways shall require permeable surface treatments;
- c) That waste water treatment systems of a higher specification than otherwise permitted as part of this bylaw be required so as to minimize the potential impact of effluent;
- d) That certain building materials be either required or not permitted where it may minimize the special environmental character of the area;
- e) The registration of a restrictive covenant against the certificate of title for the subject property related to the approved development;
- d) The registration of an easement against the certificate of title for the subject property entitling the municipality, or an agent on behalf of the municipality, the right to enter the subject property and carry out such improvements and repairs as are required to maintain the stability of adjacent properties which, if not corrected, could adversely affect surrounding lands; or

- e) The registration of an easement against the certificate of title for the subject property may be subject to some or all of the following conditions:
 - i) A minimum of 0.40 ha (1.0 acre) must be developable for building site;
 - ii) The building site must be a minimum of 0.50 m (1.60 ft) above flood plain;
 - iii) Scaled site plan for all structures within the proposal (house, garage, well, sewage system);
 - iv) Volume of fill required and where will it come from;
 - v) Erosion control measures;
 - vi) Approval from AESRD; and
 - vii) Allowance for building on a quarter-section where there is an existing site not located within the flood plain.

Conditions for Extraction and Reclamation Applications

3.13.97 The following conditions shall apply to applications for extraction and/or reclamation:

- a) All aspects of the extraction and reclamation operation shall take place in full compliance with an approved reclamation plan;
- b) The applicant shall be responsible for conformance with all requirements of the reclamation plan;
- c) The applicant shall provide a letter of credit for the entire reclamation amount, or in the case of a multi-phase

operation, the amount for the largest (most expensive) phase outlined in the reclamation plan;

- d) All costs incurred by the County in reviewing the reclamation plan shall be the responsibility of the applicant;
- e) All costs incurred by the County reclamation Officer shall be the responsibility of the applicant;
- f) The applicant shall post appropriate signage on and near the site (i.e., trucks turning, danger open pit) and fence all property lines adjacent to public road ways or within 100.0 m (328.08 ft) of a residential dwelling. Location of all signage to be determined in cooperation with Public Works;
- g) The applicant shall be responsible for dust control measures along designated haul routes. Dust control to be addressed in haul route agreement noted above;
- h) A haul agreement shall be required from Lac Ste. Anne County to provide authorization for all trucks used for transportation of aggregates. All trucks to be clearly marked to the satisfaction of the Community Peace Officer;
- i) That the gravel extraction be carried out so as to create a minimum of dust, noise, and environmental disturbance. In this regard, the County may require the implementation of administrative controls to minimize the impact of noise and dust beyond the property lines of the site; and
- j) Gravel trucks cannot use pit access when a School bus is within 300.0 m (984.20 ft).

Conditions for Garages

3.13.98 Where a development permit for a garage is to be granted prior to a principal residence being developed on the property, a condition may be placed on the permit requiring that a deposit of up to \$2000.00 be paid by the applicant, in order to ensure the building envelope is completed to the satisfaction of the Development Authority.

Conditions for Home Based Business Application

3.13.99 The permit is valid for one (1) year commencing the effective date, and shall be automatically renewed each year afterwards subject to conformance with the Land Use Bylaw and the conditions of approval contained in the permit.

3.13.100 The applicant is advised that any application for renewal is subject to review by the Development Authority. The Development Authority shall be notified in writing of such renewal requests, accompanied by the appropriate development permit application fee, if required, at least six months prior to the expiry date of the development permit.

3.13.101 The applicant is responsible for obtaining and complying with any required permits from federal, provincial, or other legislation, or the condition of any easement, covenant, building scheme, or development agreement affecting the land.

3.13.102 All major and minor Home-Based Businesses may also be regulated through the County's Business Licence Bylaw.

Conditions for Industrial Development Applications

3.13.103 Notwithstanding other provisions in this Bylaw, any industrial development will be subject to the following conditions:

- a) Small-scale industries that may be classified under minor or major Home Based Businesses shall be subject to the

conditions applicable for the Home Based Businesses in the County;

- b) The site shall be re-districted to Industrial land use district for any large-scale industrial development in designated industrial Parks;
- c) The applicant will be required to provide an emergency and fire protection plan; and
- d) The applicant will be required to submit an engineering assessment evaluating the storm water management capacity of the site and potential solutions for mitigating the impacts on the capacity of the overall storm water basin.

Conditions for Mobile Home Applications

3.13.104 All mobile homes shall have Canadian Standards Association Certification.

3.13.105 All skirting shall be from floor to ground level and shall match or complement the external finish of the mobile home.

3.13.106 The mobile home to be removed from property when no longer required for intended use.

Conditions for Non-Aggregate Stripping, Filling, Excavation and Grading Applications

- 3.13.107 Developments involving the construction of artificial water bodies or dugouts may require, as a condition of development approval, that it shall be the sole responsibility of the applicant to ensure that such signs, fences, and any other construction items be put in place as the applicant shall consider necessary to protect the public generally, and the residents of the area in particular, from any danger arising as a result of the construction or installation of the artificial water body or dugout on the applicant's property.
- 3.13.108 A permit is required before the commencement or continuation of the removal of topsoil and such permits shall only be granted where it is shown to the satisfaction of the Development Authority that the land will not be adversely affected by removal. The Development Authority may refer any application for removal of topsoil to the Soil Conservation Officer acting under the *Soil Conservation Act, RSA 2000*, for approval.

Conditions for Recreational Vehicle Applications

- 3.13.109 Recreational Vehicles shall be solely for private personal use. No fee, payment or other consideration shall be charged or collected for placement of the Recreational Vehicle(s) on the parcel and the Recreational Vehicles shall not be used for a commercial purpose.
- 3.13.110 The applicant shall install a septic tank in full compliance with Alberta Safety Codes and the Lac Ste. Anne County Sewer Bylaw.
- 3.13.111 The placement of the recreational Vehicles shall comply with the applicable site setback requirements and any other applicable regulations.

Conditions for Relocation of Buildings

- 3.13.112 The applicant shall sign a letter of undertaking (agreement) and post security in the form of an irrevocable letter of credit or cash in the amount of \$4,000.00 for a residence and \$2,000.00 for a single-wide manufactured/mobile home prior to the issuance of a permit and the building being moved on-site. This security will ensure that any required modification to the design siting, finishing, and cladding of the relocated building are completed.
- 3.13.113 In the event the funds allocated in the letter of credit are not sufficient to ensure satisfactory completion of the required modifications, the Development Authority may undertake the modifications at the expense of the applicant.
- 3.13.114 If this is a temporary residence, the applicant shall enter into a memorandum of agreement with Lac Ste. Anne County pertaining to the following:
- a) The applicant shall post security in the applicable amount as outlined in the County's Schedule of Fees;
 - b) The present mobile residence shall be removed from the property within thirty (30) days of occupying the new dwelling unit, or thirty days of the construction requiring the use of a temporary residence ending; and
 - c) If modifications, renovations, or improvements are required they shall be specified in the permit application.
- 3.13.115 The modifications, renovations, or improvements shall be completed within 160 days of the relocation of the structure or at the Development Authority's discretion.

3.13.116 Upon completion of the structure the Development Authority will inspect the site to determine compliance. If work is not done to the County's satisfaction, the Development Authority shall be at the liberty to use the security to have the work completed to bring the building into compliance.

3.13.117 The Development Authority may require, when a development permit application is received to relocate a building, that a notice in writing be forwarded to all adjacent landowners in the neighbourhood.

3.13.118 Any renovations and any conditions imposed by the Development Authority to a relocated building shall be completed within one year of the issuance of the development permit. Non-compliance shall result in the forfeiture of the performance bond or letter of credit.

3.13.119 Except where exempted by the Development Authority, any building receiving approval to be relocated shall be brought up to all existing standards, ordinances, rules, regulations, and Bylaws, including the *Alberta Safety Codes Act*.

3.13.120 When reviewing development permit applications for relocated buildings, the Development Authority shall consider the impact of the proposed relocated building on the aesthetics and value of the adjoining properties.

3.13.121 In the case of a building to be relocated, it shall, in the opinion of the Development Authority, be compatible, with respect to age and appearance, with the buildings in the receiving neighbourhood once all required renovations and improvements have been completed.

3.13.122 All homes constructed outside of the Province of Alberta must comply with the *Alberta Safety Codes Act*.

3.13.123 Prior to the relocation of a building within the County, the applicant must provide a copy of the approved building permit.

Conditions for Residential Development Adjacent to Aggregate Resource Extraction or Processing

3.13.124 Applications for a development permit for a new residential use within a country residential district for which the proposed use does not comply with the minimum separation distance from an aggregate resource extraction or aggregate resource processing use as set out in Subsection 11.1.11 may be approved. If approved, the development permit may include as a condition of approval a restrictive covenant, which outlines the risk of a gravel pit operation in the area and may require additional buffering or vegetative screening on the part of the applicant in order to minimize adverse impacts from nearby aggregate resource extraction or processing use. The restrictive covenant shall remain on title for fifty (50) years from the time the plan is endorsed or until the site has been fully reclaimed.

Conditions for Residential Development Adjacent to Confined Feeding Operation

3.13.125 Applications for a development permit for a new residential use within a country residential district for which the proposed use does not comply with the Minimum Distance Separation from an existing confined feeding operation, as determined by the NRCB, may be approved as a discretionary use. If approved, the development permit may include as a condition of approval a restrictive covenant, which outlines the risk of a confined feeding operation in the area and may require additional buffering or vegetative screening on the part of the applicant in order to minimize adverse impacts from nearby confined feeding operation use.

Conditions for Work Camps

3.13.126 A development permit for a Work Camp may require county road upgrading or entering into a road use agreement with respect to impact on the roadway used to provide access to the camp, such as dust control and other matters.

Additional Conditions

3.13.127 The Development Authority may, at its discretion, apply any further conditions upon a development permit as it deems necessary.

3.14 Validity of Development Permits

3.14.1 A development permit remains in effect unless:

- a) It is suspended or cancelled; or
- b) The development that is the subject of the development permit is not commenced within twelve (12) months from the date of the issuance of the development permit or as otherwise noted, or not carried out with reasonable diligence; and
- c) The development that is the subject of the development permit is to be externally completed within twenty-four (24) months of the effective date of the development permit (or as otherwise noted), or be shown to be carried out with reasonable diligence.

3.15 Extension of Development Permits

3.15.1 The Development Officer may grant a one-time extension to the end date of a development permit for a maximum of one (1) year where the permit is for a building or use that is permitted or, in the opinion of the Development Officer, does not adversely impact the use, enjoyment, or value of neighbouring properties.

3.16 Resubmission Interval

3.16.1 If an application for a development permit is refused by the Development Authority or on an appeal to the Subdivision and Development Appeal Board, the Development Authority may refuse to accept subsequent development permit applications for the same or similar use on the same parcel for a period of twenty-four (24) months from the date of refusal unless, in the opinion of the Development Authority:

- a) The reasons for refusal have been adequately addressed; or

- b) The circumstances of the application have changed significantly.

3.16.2 If the applicant for a development permit for the same or a similar use on the same parcel is refused by the Development Authority or on an appeal to the Subdivision and Development Appeal Board or Municipal Government Board within twenty-four months from the date the first application for the same or similar use was refused the Development Authority may refuse to accept subsequent development permit applications for the same or similar use on the same parcel for a period of up to forty-eight (48) months from the date of refusal unless, the application is for a permitted use that complies in all respects within the Land Use Bylaw

3.16.3 If an application for a redistricting application is refused by Council or on an appeal to the Municipal Government Board. Council may refuse to accept subsequent redistricting applications for the same or similar use on the same parcel for a period of twenty-four (24) months from the date of refusal unless, in the opinion of the Development Authority:

- a) The reasons for refusal have been adequately addressed; or
- b) The circumstances of the application have changed significantly.

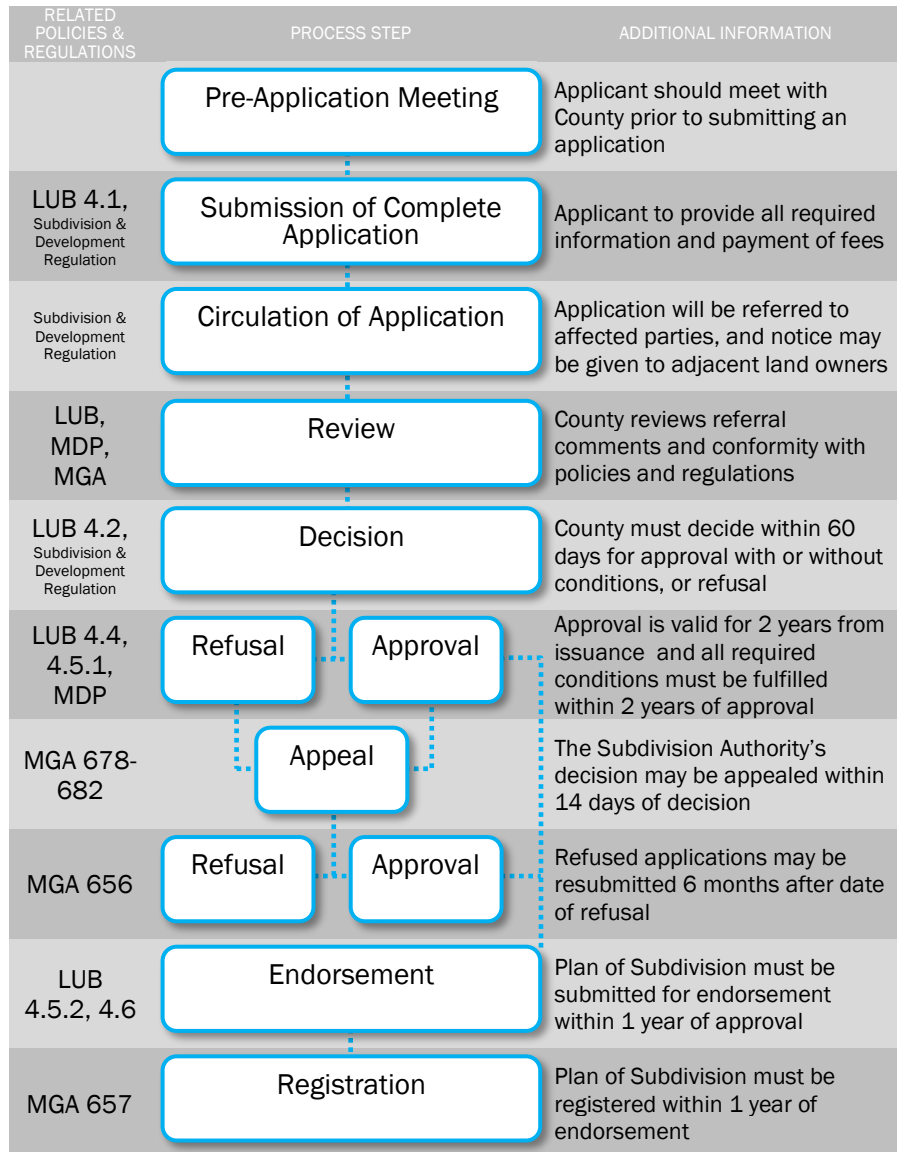
3.17 Suspension or Cancellation of Permits

3.17.1 The Development Authority may suspend or cancel the notice of decision or the development permit by notice, in writing, to the holder of the permit if, after a development permit has been issued, the Development Authority becomes aware that:

- a) The application for the development contains a misrepresentation;
- b) Facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered;
- c) The development permit was issued in error; or
- d) The conditions of development approval are not complied with in a satisfactory manner.

3.17.2 If a person fails to comply with a notice under the MGA [Section 645], the Development Authority may suspend or cancel any existing development permit by notice, in writing, to the holder of the permit.

4 Subdivision Process



4.1 Requirements for Subdivision Applications

4.1.1 The applicant shall be responsible for the following:

- a) All applicable fees according to the County fee schedule. These include, but are not limited to, application, appraisal, mapping, administration, and endorsement fee.
- b) The expense of drafting a development agreement.
- c) Payment of a Subdivision Road Improvement Levy in accordance with County policy.
- d) All legal, engineering, and evaluation costs related to the application and approval of the proposed subdivision.

4.2 Complete Applications

4.2.1 Within twenty (20) days of the receipt of an application for subdivision the Subdivision Authority shall determine if the application is complete

4.2.2 If the Subdivision Authority concludes the application for subdivision is complete the Subdivision Authority shall issue a notice to the applicant indicating that the application is complete.

4.2.3 If the Subdivision Authority concludes the application for subdivision is incomplete the Subdivision Authority shall issue a notice in writing indicating to the applicant what outstanding documents and information must be submitted to make the application complete. The notice must indicate the date by which the additional information is to be submitted.

- 4.2.4 If the applicant fails to submit the outstanding information by the date set in the notice the application is deemed refused and the Subdivision Authority shall issue a notice to the applicant indicating that the application is refused and the reasons for the refusal.
- 4.2.5 At any time, the applicant and the Subdivision Authority can, in writing, extend the time prescribed in Section 4.2.1 that the Subdivision Authority has to determine if an application is complete.
- 4.2.6 At any time prior to the date prescribed in the notice issued pursuant to Section 4.2.3 for the applicant to submit the additional information required to complete the application, the applicant and the Subdivision Authority can, in writing, extend the date by which the information required to complete the application must be submitted.

- i. Where multiple landowners are listed on the application, notification will be sent by email to all landowners who have provided an email address. Any landowners who do not provide an email address will be notified by mail;
- ii. Pursuant to section 608(2) of the MGA, the notice of decision will be deemed received 7 days from the time of sending, unless there is evidence that it was received earlier;
- iii. In the event an email is returned to sender, the notice of decision shall be mailed to the respective party.

4.3.3 A decision from the Subdivision Authority may be appealed to the SDAB or MGB.

4.3 Decision on Subdivision Applications

- 4.3.1 The municipality may use the recommendations of an environmental audit or Environmental Impact Assessment as a basis for comments to the Subdivision Authority in recommending to approve, approve with conditions, or refuse an application for subdivision.
- 4.3.2 Notice of Decision shall be delivered to the applicant in the following manner;
 - a) By mail; or
 - b) Where the applicant and/or the landowner has provided an email address on the application, the Notice of Decision shall be sent to the respective person by email only, subject to the following criteria:

4.4 Subdivision Approval Conditions

4.4.1 This section contains standard conditions that apply to all subdivisions, in addition to any outlined in the applicable district. The Subdivision Authority may amend, remove or add to any of the conditions listed as needed on a case-by-case basis.

4.4.2 All subdivision conditions must be fulfilled within twenty-four (24) months of date of subdivision approval.

4.4.3 The applicant shall enter into a development agreement, in a form satisfactory to the County, to do any or all of the things referenced in Section 655(1)(b) of the MGA. This development agreement may include, but is not limited to:

- a) Suitable access to each parcel constructed to County standards;
- b) Water;
- c) Sewage disposal;
- d) Public transportation operated by or on behalf of the municipality;
- e) Irrigation;
- f) Drainage;
- g) Fuel;
- h) Electric power;
- i) Heat;
- j) Waste management;
- k) Telecommunications;

l) Rural addressing;

m) Traffic control signs;

n) Subdivision entrance signs;

o) Street names and rural addressing;

p) Installation of rural addressing for each lot created;

q) School Division bus signage installed at the entrance of the subdivision; and

r) That the County must approve all infrastructure, signage, street names, and rural addressing prior to installation or plan endorsement.

4.4.4 Pursuant to Section 662 of the MGA, 5.18 m (17.0 ft) of road widening adjoining all municipal road allowances is required and may be registered through caveat.

4.4.5 The Subdivision Authority may require a restrictive covenant be placed on all residential lots:

a) Restricting basements on all lots that are restricted for basement development as per any geotechnical report required by the County;

b) Prohibiting clearing of vegetation outside of established building sites except where required for weed management, removal of hazardous trees, and/or selective removal of deadfall;

c) Prohibiting the development of water wells unless a report prepared in accordance with Section 23 of *the Water Act* recommends that a water well may be approved for the residential site;

- d) Restricting waste-water disposal systems to holding tanks only on certain lots based on assessment of an on-site Wastewater Treatment System Suitability report.
- e) Restricting some lots or units to the sole use of utility services such as water and waste-water above ground infrastructure, sani-dump treatment and collection facilities, pump stations and fire ponds.

Reserve Lands

- 4.4.6 Pursuant to section 661 of the MGA, the owner of a parcel of land to be subdivided must provide, without compensation, land or money in place of land for roads, public utilities, or reserves as provided for under Division 8 of Part 17 of the MGA.
- 4.4.7 Environmentally sensitive areas identified by the *Lac Ste. Anne Environmental Inventory Study*, which may not otherwise be protected by other Sections of this Bylaw, shall be designated as environmental reserve or environmental conservation easement in accordance with the MGA, the MDP, and the Lac Ste. Anne County RSMM.
- 4.4.8 Municipal, school, or municipal and school reserve shall be provided in accordance with the MGA and the MDP.
- 4.4.9 Public utility lots and rights of way must be provided, if required, in accordance with the MGA and the MDP.
- 4.4.10 The applicant may be required to provide a landscaped buffer area where the Subdivision Authority feels it is necessary to limit any potential noise impact from a neighbourhood use.

Subdivision Adjacent to Aggregate Resource Extraction and Processing

- 4.4.11 Applications for a new residential subdivision within a Country residential district for which the proposed use does not comply with the minimum separation distance from an aggregate resource extraction or aggregate resource processing use as set out in Subsection 11.1.11 may be approved. If approved, the approval conditions may require a restrictive covenant, which outlines the risk of a gravel pit operation in the area and may require additional buffering or vegetative screening on the part of the applicant in order to minimize adverse impacts from nearby aggregate resource extraction or processing use. The restrictive covenant shall remain on title for fifty (50) years from the time the plan is endorsed or until the site has been fully reclaimed.

Conditions for Residential Development Adjacent to Confined Feeding Operation

- 4.4.12 Applications for a new residential subdivision within a country residential district for which the proposed use does not comply with the Minimum Distance Separation from an existing confined feeding operation, as determined by the NRCB, may be approved. If approved, the approval conditions may require a restrictive covenant, which outlines the risk of a confined feeding operation in the area and may require additional buffering or vegetative screening on the part of the applicant in order to minimize adverse impacts from nearby confined feeding operation use.

Condominiums

- 4.4.13 Mail and school bus service shall be prohibited on condominium property.
- 4.4.14 A licence for the provision of a potable water distribution system must be obtained from Alberta Environment and Sustainable Resource Development (AESRD) and issued to the condominium corporation.
- 4.4.15 An on-site firefighting water supply with a minimum capacity of 8,000 gallons and dry hydrant must be provided to the satisfaction of the County.
- 4.4.16 The condominium bylaw must include a provision to require County approval for any amendments to said bylaw.

4.5 Validity of Subdivision Approval

- 4.5.1 An approval from the Subdivision Authority, SDAB or MGB is valid for two (2) years from date of issuance. Extension of this period shall not be allowed.
- 4.5.2 Subject to a 21-day appeal period, the applicant must submit a plan of subdivision to the Subdivision Authority for endorsement within two (2) year from date of subdivision approval.

4.6 Endorsement of Subdivision

Plan of Subdivision

- 4.6.1 The applicant shall prepare and present to County staff a plan of subdivision that:
 - a) Complies with Section 657 of the MGA;
 - b) Complies with the *Land Titles Act* of Alberta;
 - c) Is acceptable in all respects to the Registrar of the Land Titles Office of Alberta;
 - d) Shows the boundaries of the proposed subdivision, including all approaches; and
 - e) Shows any required reserve lands.

Endorsement

- 4.6.2 The plan of subdivision shall not be endorsed by the Subdivision Authority if there are any outstanding:
 - a) Property taxes on the property of the proposed subdivision;
 - b) Compensation of the items outlined in Section 4.1.1;
 - c) Approvals, pursuant to Subsection 4.4.2(r); or
 - d) Statutory required approvals.

4.7 Municipal Exemption

Notwithstanding anything written in this Bylaw. Applications made by Lac Ste. Anne County for subdivision shall be exempt from all restrictions or requirements with the exception of those mandatory requirements outlined in the *Municipal Government Act*, Subdivision and Development Regulation.

5 Subdivision and Development Appeals Process

5.1 Grounds for Appeals

- 5.1.1 In accordance with Section 685(1) of the MGA, the person applying for the permit or affected by the stop order under Section 645 may appeal to the subdivision and development Appeal Board, if a Development Authority:
- a) Fails or refuses to issue a development permit to a person;
 - b) Issues a development permit subject to conditions; or
 - c) Issues an order under Section 645 of the MGA.
- 5.1.2 No appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the Land Use Bylaw were relaxed, varied or misinterpreted.

5.2 Appeal Procedure

- 5.2.1 In accordance with Section 678(2) of the MGA, a subdivision appeal is commenced by filing a notice of the appeal containing reasons:
- a) with the MGB if the land that is the subject of the application
 - i) is within the Green Area as classified by the Minister responsible for the Public Lands Act;
 - ii) contains, is adjacent to, or is within the prescribed distance of a highway, a body of water, a sewage treatment or waste management facility or a historical site, or

- iii) in any other circumstances described in the Subdivision and Development Regulation; or
 - b) To the SDAB in all other circumstances
- 5.2.2 Pursuant to section 678(2) of the MGA, the notice of appeal to either the MGB or the SDAB must be filed within 14 days after receipt of the notice of decision. The date of receipt is deemed to be 7 days after the date the notice was sent, pursuant to section 678(3) of the MGA.
- 5.2.3 In accordance with Section 686(1)(a), a Development Permit appeal or Stop Order appeal is commenced by filing a notice of appeal, containing reasons, with the SDAB within 21 days after:
- a) The date on which the decision is made under Section 642 or the order is made under Section 645; or
 - b) The date the application is deemed to be refused; or
- 5.2.4 In accordance with Section 686(1)(b), a Development Permit appeal or Stop Order appeal is commenced by filing a notice of appeal, containing reasons, with the SDAB within twenty-one (21) days after the date on which the notice of the issuance of the permit was given in accordance with the Land Use Bylaw.
- 5.2.5 The SDAB must hold an appeal hearing within thirty (30) days after receipt of a notice of appeal.
- 5.2.6 The SDAB must give at least five (5) days notice in writing of the hearing:
- a) To the appellant;
 - b) To the Development Authority whose order, decision, or development permit is the subject of the appeal; and

- c) To those owners required to be notified under the Land Use Bylaw and any other person that the SDAB considers to be affected by the appeal and should be notified.

5.2.7 The SDAB must make available for public inspection before the commencement of the hearing all relevant documents and materials respecting the appeal, including:

- a) The application for the development permit, the decision, and the notice of appeal; or
- b) The order under Section 645 of the MGA.

5.3 Hearing and Decision

5.3.1 In accordance with Section 687(1) of the MGA, at a hearing under Section 686, the SDAB must hear:

- a) The appellant or any person acting on behalf of the appellant;
- b) The Development Authority from whose order, decision, or development permit the appeal is made, or a person acting on behalf of the Development Authority;
- c) Any other person who was given notice of the hearing and who wishes to be heard, or a person acting on behalf of that person; and
- d) Any other person who claims to be affected by the order, decision or permit and that the SDAB agrees to hear, or a person acting on behalf of that person.

5.3.2 The SDAB must give its decision in writing together with reasons for the decision within fifteen (15) days after concluding the hearing.

5.3.3 In determining an appeal, the Subdivision and Development Appeal Board:

- a) Must act in accordance with any applicable Alberta land Surveyors' Association (ALSA) regional plan;
- b) Must comply with the land use policies and statutory plans and the Land Use Bylaw in effect;
- c) Must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis license and distances between those premises and other premises;
- d) Must have regard to but is not bound by the subdivision and development regulations;
- e) May confirm, revoke, or vary the order, decision, or development permit or any condition attached to any of them or make or substitute an order, decision, or permit of its own; and
- f) May make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the Land Use Bylaw if, in its opinion:
 - i) The proposed development would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land; and
 - ii) The proposed development conforms with the use prescribed for that land or building in the Land Use Bylaw.

5.4 Court of Appeal

5.4.1 Pursuant to Section 688 of the MGA, an appeal lies to the Court of Appeal on a question of jurisdiction or law with respect to:

- a) A decision of the Subdivision and Development Appeal Board; or
- b) A decision of the Municipal Government Board on a decision of an appeal under
 - i) Section 619 of the MGA;
 - ii) Section 648.1 of the MGA;
 - iii) Section 678(2) of the MGA; or
 - iv) Section 690 of the MGA.

5.4.2 An application for leave to appeal must be filed with the Court of Appeal within thirty (30) days after the issue of the decision sought to be appealed, and notice of the application must be given to:

- a) Lac Ste. Anne County;
- b) The Municipal Government Board or the Subdivision and Development Appeal Board; and
- c) Any other person(s) that the judge directs.

6 Enforcement

6.1 Contravention

6.1.1 A Development Authority may find that a development or use of land or buildings is not in accordance with:

- a) The MGA or the regulations;
- b) A development permit or subdivision approval; or
- c) This Bylaw.

If this is the case, the Development Authority may, by notice in writing, order the registered owner, the person in possession of the land or buildings, or the person responsible for the contravention, or any or all of them to:

- a) Stop the development or use of the land or buildings in whole or in part as directed by the notice;
- b) Demolish, remove or replace the development; or
- c) Take such other measures as are specified in the notice so that the development or use of the land or buildings is in accordance with the *Municipal Government Act*, the regulations, a development permit, subdivision approval, or this Bylaw, as the case may be.

6.1.2 Where a notice is issued under Subsection 6.1.1, the notice may state the following and any other information considered necessary by the Development Authority:

- a) An explanation of the contravention, and a statement indicating under which provisions of this Bylaw or the MGA the order is being carried out;

- b) The alternatives and processes which the person responsible for the contravention may pursue in order to correct the contravention;
- c) A time frame in which the contravention must be corrected prior to Lac Ste. Anne County pursuing further action; and
- d) Advise the person of their right to appeal the notice to the Subdivision and Development Appeal Board.

6.1.3 Where a person fails or refuses to comply with an order directed to them pursuant to Subsection 6.1.1 or an order of the SDAB under Section 687 of the *Municipal Government Act* within the time specified, Council, or a person appointed by it, may, in accordance with the MGA, enter upon the land or building and take such action as is necessary to carry out the order. Where an order has not been complied with, Council may register a caveat against the title of the subject property related to the order. Costs and expenses incurred in carrying out the order may be placed on the tax roll for the subject property and shall be collected in the same manner as property taxes.

6.2 Prohibitions

6.2.1 No person shall contravene or permit a contravention of this Bylaw. No person shall commence or undertake a development, use, or sign that is not permitted by this Bylaw.

6.2.2 No person shall contravene a condition of a permit issued under this Bylaw.

6.2.3 No person shall authorize or do any development that is at variance with the description, specifications or plans that were the basis for the issuance of a development permit. No person shall modify any description, specifications, or plans that were the basis for the issuance of any permit by a Development Officer.

6.3 Non Compliance

6.3.1 If, after a development permit has been issued, the Development Authority becomes aware that:

- a) The application for the development contains a misrepresentation;
- b) Facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered;
- c) The development permit was issued in error;
- d) The application was withdrawn by way of written notice from the applicant; or
- e) If the condition(s) imposed in the development permit have not been complied with;

The Development Authority may cancel, suspend, or modify as considered appropriate, the development permit by notice, in writing, to the holder of the permit.

6.3.2 A person whose development permit is cancelled, suspended or modified under this Subsection may appeal to the SDAB in accordance with Section 5 of the Bylaw within fourteen (14) days of notice of such action.

6.4 Warning Notice

6.4.1 A Designated Officer may issue a warning notice outlining the nature of the violation, corrective measures that may be taken, and the deadline for corrective measures.

6.5 Violation Tickets

6.5.1 A Designated Officer shall be authorized and empowered to issue a municipal ticket to any person who the Designated Officer has reasonable and probable grounds to believe it has contravened any provision of this Bylaw.

6.5.2 A municipal ticket may be served:

- a) Personally to the person; or
- b) Mailed to the address shown on a certificate of title for the lands on which the contravention is alleged to have occurred.

6.5.3 The municipal ticket shall be in a form approved by the Chief Administrative Officer and shall state:

- a) The name of the person to whom the municipal ticket is issued;
- b) A description of the offence and the applicable Bylaw Section;
- c) The appropriate penalty for the offence as specified in this Bylaw;
- d) That the penalty shall be paid within fourteen (14) days of the issuance of the municipal ticket in order to avoid prosecution; and
- e) Any other information as may be required by the Chief Executive Officer.

6.5.4 Where a contravention of this Bylaw is of a continuing nature, further municipal tickets may be issued by a designated Officer.

- 6.5.5 A person to whom a municipal ticket has been issued may pay the penalty specified on the municipal ticket and if the amount is paid on or before the required date, the person will not be prosecuted for the offence.
- 6.5.6 Where a municipal ticket has been issued and the penalty specified on the municipal ticket is not paid within the prescribed time, a Designated Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part 2 of *the Provincial Offences Procedure Act*.
- 6.5.7 Notwithstanding Subsection 6.5.6, a Designated Officer may immediately issue a violation ticket to any person whom the designated Officer has reasonable and probable grounds to believe has contravened any provision of this Bylaw.
- 6.5.8 A violation ticket issued with respect to a contravention of this Bylaw shall be served upon the person responsible for the contravention in accordance with *the Provincial Offences Procedure Act*.
- 6.5.9 If a violation ticket is issued in respect of an offence, the violation ticket may:
- a) Specify the fine amount established by bylaw for the offence; or
 - b) Require a person to appear in court without the alternative of making a voluntary payment.
- 6.5.10 A person who commits an offence may, if a violation ticket is issued in respect of the offence and the violation ticket specifies the fine amount established by bylaw for the offence, make a voluntary payment equal to the specified fine.

- 6.5.11 When a clerk records in the Court records the receipt of a voluntary payment pursuant to this Bylaw and *the Provincial Offences Act*, the receipt of that payment by the MGA of recording constitutes acceptance of the guilty plea and also constitutes a conviction and the imposition of a fine in the amount of the specified penalty.
- 6.5.12 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day, on which the offence continues and any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

6.6 Right of Entry

- 6.6.1 Where the Development Authority finds that a development or use of land or buildings is not in accordance with:
- a) Part 17 of the MGA, regulations thereto, and/or the Land Use Bylaw; or
 - b) A development permit;

The Development Authority may take such action as specified in Sections 542 and 543 of the MGA.

6.7 Stop Orders

- 6.7.1 The Development Authority may act under Subsection 6.7.2 pursuant to Section 645(1) of the MGA, if a Development Authority finds that a development, land use, or use of a building is not in accordance with:
- a) This Part or a Land Use Bylaw or regulations under this Part; or

- b) A development permit or subdivision approval.

The Development Authority may act under Subsection 6.7.2.

6.7.2 If Subsection 6.7.1 applies, the Development Authority may, by written notice, order the owner, the person in possession of the land or building, or the person responsible for the contravention, or any or all of them, to:

- a) Stop the development or use of the land or building in whole or in part as directed by the notice;
- b) Demolish, remove, or replace the development; or
- c) Carry out any other actions required by the notice so that the development or use of the land or building complies with this Part, the Land Use Bylaw or regulations under this Part, a development permit or a subdivision approval, within the time set out in the notice.

6.8 Appeal to Stop Orders

6.8.1 A person named in a stop order may appeal to the Subdivision and Development Appeal Board (SDAB).

6.9 Enforcement of Stop Orders

6.9.1 Pursuant to Section 646(1) of the MGA, if a person fails or refuses to comply with an order directed to the person under Section 645 or an order of an SDAB under Section 687, the municipality may, in accordance with Section 542, enter on the land or building and take any action necessary to carry out the order.

6.9.2 A municipality may register a caveat under the *Land Titles Act* in respect of an order referred to in Subsection 6.9.1 against the certificate of title for the land that is the subject of the order.

6.9.3 If a municipality registers a caveat under Subsection 6.9.2, the municipality must discharge the caveat when the order has been complied with.

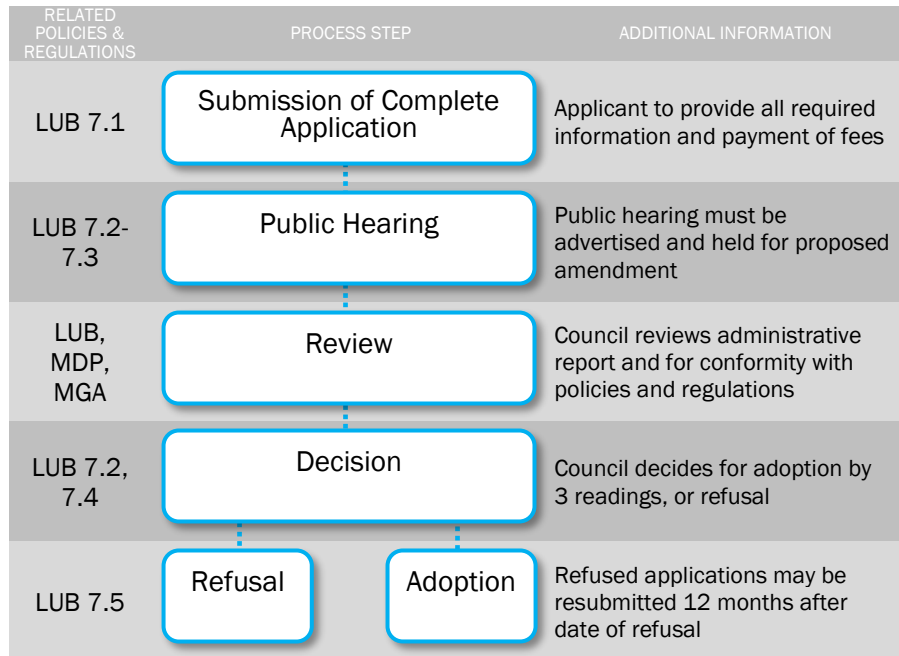
6.10 Offenses and Penalties

6.10.1 Any person who contravenes or does not comply with any provision of this Bylaw, or a development permit or subdivision approval, or a condition of a permit or approval, an order, notice or direction given under this Bylaw, or a decision of the SDAB is guilty of an offense and is liable upon conviction to a fine of \$250.00.

6.10.2 Where a person undertakes development prior to a development permit being issued, the following fees shall apply:

- a) \$500.00 for the first offence; and
- b) \$1000.00 for a second offence within the same one (1) calendar year from the date of the first offence.

7 Land Use Bylaw Amendment Process



7.1 Procedure for Amendments

Application Requirements

- 7.1.1 For the purposes of section 7, the Land Use Bylaw Amendment Process, the Development Authority shall not include the Municipal Planning Commission.
- 7.1.2 A person may apply, in writing, apply to amend this Bylaw, by completing the proper form and submitting it to the Development Authority.

7.1.3 As part of the application referred to in Subsection 7.1.1, the applicant must provide the following information:

- a) Reasons in support of the application;
- b) The use to be made of the land that is the subject of the application;
- c) Reference to all utility corridors; and
- d) The method of land servicing.

Payment and Undertaking

7.1.4 A person making an application to amend this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:

- a) Pay Lac Ste. Anne County an application fee as set by Bylaw of Council;
- b) Undertake in writing on a form provided by Lac Ste. Anne County to be liable for, and pay on demand, all expenses made necessary by the processing of the proposed amendment which Lac Ste. Anne County may incur, whether it be enacted or not, including but not limited to map printing and reproduction costs, surveys and advertising charges; and
- c) Sign a consent authorizing the right of entry by the Development Authority to such lands or buildings as may be required for investigation of the proposed amendment.

Investigation by Development Authority

7.1.5 Upon receipt of an application to amend the Land Use Bylaw, the Development Authority shall:

- a) Initiate or carry out any necessary investigation or analysis of the issues involved in or related to the amendment; and
- b) Prepare a detailed report including all maps and relevant material for Council to consider.

Procedure by Applicant

- 7.1.6 Upon receiving the preliminary advice of the Development Authority, the applicant shall advise the Development Authority if:
- a) The applicant wishes the Council to proceed with the amendment as submitted by the person, or an alternative amendment proposed by the Council; or
 - b) The applicant wishes to withdraw the application for an amendment.

Review by Council

- 7.1.7 The Development Authority shall prepare a detailed report, including all maps and relevant material, for Council respecting the proposed amending bylaw.
- 7.1.8 As soon as is reasonably convenient, the Development Authority shall submit the proposed amendment as originally applied for, or as alternatively determined by the applicant, to the Council, accompanied by the report of the Development Authority and other relevant material, if any, and the Council shall then consider the proposed amendment.
- 7.1.9 Council or the Development Authority may request the Applicant provide additional information or documentation including specific reports, with an application to change a district designation or an application to add use to an existing district.

- 7.1.10 In the case of proposed bylaw to change to a district or add a use to a district for the purpose of applying for a future development permit, Council or the Development Authority may require the applicant to conduct an Open House in accordance with Section 3.5.2 of this Bylaw as part of the application requirements.

Council May Direct Repayment

- 7.1.11 If it appears that the proposed amendment is one which is applicable to and for the benefit of Lac Ste. Anne County at large, or most of the persons affected in one area, or to the entire land use district, then the Council may direct that the application fee be returned to the applicant and that Lac Ste. Anne County pay the expense which the applicant has agreed to pay pursuant to the provisions of Subsection 7.1.4.

Proposed Amendments may originate from Development Authority

- 7.1.12 The Development Authority may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the report and recommendation of the Development Authority.

Amendments Proposed in Council

- 7.1.13 Council may, at any time, initiate an amendment to this Bylaw, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Authority for necessary reports and recommendations.

7.2 Amendment Review Process

- 7.2.1 Council may, after administrative review, give first reading to a Bylaw to amend this Bylaw.

- 7.2.2 Should first reading be given to a Bylaw to amend this Bylaw, Council shall, by resolution, set the date, time, and place for a public hearing on the proposed amending bylaw.

7.3 Notification of Public Hearing

- 7.3.1 After first reading of a proposed amending bylaw, Administration shall provide notice of the scheduled public hearing in accordance with section 606 and 692 of the MGA.

7.4 Decision by County Council

- 7.4.1 Council shall review the report and recommendations and may:

- a) Request further information;
- b) Approve the proposed text amendment or re-districting as proposed;
- c) Approve the proposed text amendments or re-districting with modifications within the scope of the limitations of the MGA; or
- d) Refuse the proposal.

- 7.4.2 The Council may use the recommendations of an environmental audit or Environmental Impact Assessment as a basis for:

- a) Reasons to amend this Bylaw;
- b) Reasons to refuse an application to amend this Bylaw;
- c) Reasons to approve an application to adopt or amend a statutory plan; and
- d) Reasons to refuse an application to adopt or amend a statutory plan.

7.5 Resubmission Interval

- 7.5.1 Where an application for an amendment to this Bylaw has been defeated by Council, another application for the same or substantially the same amendment shall not be considered within twelve (12) months of the date of the refusal unless Council otherwise directs.

- 7.5.2 Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the MGA [Section 692] regarding enactment of Bylaws.