

BY-LAW NO. xx - 20

LEDUC COUNTY

**A BYLAW OF LEDUC COUNTY, IN THE PROVINCE OF ALBERTA,
TO AMEND THE LEDUC COUNTY LAND USE BYLAW NO. 7-08**

WHEREAS the Council of Leduc County deems it to be in the public interest to amend the Leduc County Land Use Bylaw 07-08;

NOW THEREFORE, be it resolved that the Council of Leduc County, duly assembled, hereby enacts that the Land Use Bylaw be amended as follows:

1. That part 6.14 of the Table of Contents be revised to read as follows:

6.14 Soil Movement, Stockpiling, & Grading.

2. That part (s) of Section 3.2: Development Not Requiring a Permit, be revised to read as follows:

(b) Agriculture, Extensive; Agriculture, Livestock or Agriculture, Horticulture use, structure, excavation or building in a district where the use is listed as permitted, including but not limited to a barn, hay shed, machine shed, livestock shelter, granary, dugout*, and the outdoor storage of equipment, supplies and products directly associated with the agricultural operation, but not including a Confined Feeding Operation or a dwelling; Notwithstanding the foregoing, these exemptions do not apply to Cannabis or any Cannabis related uses.

i. *Dugouts with a water volume less than 2,500m³ for agricultural use are exempted from obtaining a development permit. All dugouts with a water volume greater than 2,500m³ are subject to development permits and Alberta Water Act approval.

3. That section 6.14 Site Leveling, In-filling and Grading, and parts 6.14.1 through 6.14.21 be replaced as follows:

6.14 Soil Movement, Stockpiling, & Grading

6.14.2 Any application made for Soil Movement, Stockpiling, & Grading under section 6.14 *shall* be processed as a *discretionary use* in all Districts, unless specifically exempt under section 3.2.

6.14.3 Where a development site requires Soil Movement, Stockpiling, & Grading the topsoil on the site shall be preserved, stockpiled, and replaced following completion of the site modifications.

6.14.4 Any development permit application that involves Soil Movement, Stockpiling, & Grading shall include the following, in addition to the application requirements set out in Section 3.3, as an integral part of the application:

a. Soil Testing, for clubroot of canola, hydrocarbons, and any other contaminant deemed necessary by the County, subject to the provisions of 6.14.10,

- b. A detailed description of the source of the material being considered for the development permit (eg. legal land location, site map, aerial imagery),
- c. A detailed description of the reason(s) for making the application (eg., grading for construction purposes; to increase agricultural productivity; flood control)
- d. Any other supporting information deemed necessary by the County to protect agricultural crop land from harmful contaminants.
- e. Alberta Government Water Act Approval, if within the vicinity of a wetland, waterbody, watercourse or Environmental Significant Area (ESA).
- f. Applications for Soil Movement, Stockpiling, & Grading, on lands with a FAR rating greater than 51%, Class 1 soil, or with proposed soil depth greater than 30 cm (1 ft.) or clay depth greater than 30 cm (1 ft.) may be required to submit an Agricultural Impact Assessment Part 2 with a Development Application.

6.14.9 Materials used for Soil Movement, Stockpiling & Grading on a site shall be free of contaminants and debris to the satisfaction of the Development Authority and the Province (where applicable). Any materials brought onto a premises from outside of the parcel subject to the development permit application, shall be required to submit, prior to development and road operations approval being issued, professional testing to ensure that all materials are free of agricultural soil borne pests, (including, but not limited to Clubroot of Canola) and hydrocarbons that may be of detriment to the development site, or surrounding areas, in accordance with the provisions of section

6.14.10 Any material brought onto a property under the provisions of 6.14, unless exempt under section 3.2, shall require soil testing for agricultural soil borne pests, (including, but not limited to Clubroot of Canola) and hydrocarbons to be completed by an accredited laboratory and the results be submitted to the County to accompany a Development Permit application. The following sample numbers (at minimum) shall be tested from the source material to reflect the amount of material being deposited:

- a. Up to 100m³ – 1 sample
- b. Up to 1,000m³ – 5 samples
- c. Up to 10,000m³ – 10 samples
- d. Up to 100,000m³ – 20 samples
- e. Over 100,000m³ – To be determined by the County

6.14.12 Sample results provided under the provisions of 6.14.10 for material sourced from outside of the County that is found to contain agricultural soil borne pests (including, but not limited to Clubroot of Canola) and hydrocarbons shall not be permitted.

6.14.13 Any sample results provided under the provisions of 6.14.10 for material sourced from within the County and intended for use on an agricultural parcel, or in close proximity to an agricultural parcel, that is found to contain agricultural soil borne pests (including, but not limited to Clubroot of Canola) and hydrocarbons *shall* not be permitted unless the applicant can demonstrate that the level of infection within the source material will not increase the existing infection level, (if any) of the lands in which the material will be placed.

- 6.14.14 Any sample results provided under the provisions of 6.14.10 for material sourced from within the County and intended for use on non-agricultural parcels, for non-agricultural use, and is found to contain agricultural soil borne pests (including, but not limited to Clubroot of Canola) and hydrocarbons *may* be permitted, providing the applicant can demonstrate, to the satisfaction of the County, that the material, its transit and its end use will not pose a risk to the Agricultural Crop land areas.
- 6.14.19 Should any proposed Soil Movement, Stockpiling, & Grading be for the provision of future development, it *shall* be the responsibility of the applicant to demonstrate to the County, at the application stage, that the material being imported to the development site provides adequate ground stability for the intended use
- 6.14.20 Any proposed works under 6.14 where a wetland, watercourse, environmentally sensitive area is identified, the application shall be referred to Alberta Environment & Parks or any other equivalent provincial department for comment as deemed necessary. The County shall not issue a development approval on any proposal where approval is required under the Water Act, until the required approvals have been issued by the Province.
- 6.14.22 All Soil Movement, Stockpiling, & Grading applications. Will be subject to a project completion start and end date to be determined by the Development Authority.

4. That Part Eleven Definitions be revised to read as follows/

Infilling – (see Filling) to be replaced with Soil Movement

Soil Movement: - (see filling).

This By-law shall take effect on the date of the third reading

Read a first time this _____ day of __, AD., 2021.

Read a second time this _____ day of _____, AD., 2021.

Read a third time with the unanimous consent of Council Members present and finally passed this _____ day of _____, A.D., 2021.

MAYOR

COUNTY MANAGER