

PONOKA COUNTY

BY-LAW 23-23-A

A by-law of Ponoka County, in the Province of Alberta, pursuant to Section 632 and 641 of *The Municipal Government Act*, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, to amend Section 13 of the Municipal Development Plan (By-Law 6-08-MDP) to read as follows:

13. Mineral Resources

- Policy 13.1 Ponoka County recognizes the critical importance of being able to access aggregate resources such as gravel and sand for buildings and road infrastructure within the County and within the Province. These resources are needed to build the infrastructure that serves communities and to support economic development. Extracting mineral resources in a careful, planned manner will generate jobs and taxes. The County has a responsibility to see that the resources are not sterilized by incompatible surface development. The County also has a responsibility to protect farm operations and residences from ill-planned mineral extraction, although its power to do so is limited by provincial law. The County's ability to enforce some of these policies may be limited by sections 618-620 of the Municipal Government Act, which exempts some oil and gas operations from local control, and allows provincial regulators to over-ride municipal policies.
- Policy 13.2 Ponoka County encourages the extraction of natural resources in Ponoka County to be conducted in a responsible manner, in accordance with industry best practices and in conjunction with Provincial regulations and approvals.
- Policy 13.3 Extraction and processing of natural resources will normally be approved provided that the municipality does not have to subsidize the development: for example, if roads have to be upgraded, this will be at the industry's expense. The County's support for mineral extraction will be contingent on minimizing the damage it does to soil, water, and farming operations, however, the quality of farm land will not be an issue in deciding on a development application for extractive industry or associated processing plants.
- Policy 13.4 The County may use its land use powers to prevent subdivision and development which would make future resource extraction difficult or uneconomic. For that reason, the County may limit development in areas underlain by coal which is shallow enough to be surface mined, as shown on Map 5.
- Policy 13.5 The County will ensure that inappropriate surface development does not interfere with a proposed CO₂ injection scheme west of Ponoka. The general area of this scheme is shown on Map 4.
- Policy 13.6 Where a house is proposed in a sour gas area, the County will consult the Alberta Energy Regulator before issuing a development permit.
- Policy 13.7 Prior to acceptance of a Development Permit for a Natural Resource Extraction, the applicant shall be required to redesignate their site to the Direct Control District. A Direct Control District tool will enable specific direction to be set for a particular site and decisions to be made using a case-by-case approach. County Council shall be the decision maker for all applications under the Direct Control District in accordance with the MGA.
- Policy 13.8 In order to assess an application for aggregate resource extraction and processing, Ponoka County may require the submission of a report

prepared by a qualified professional which addresses any or all of the following:

- a) proposed method and phasing of the operation;
- b) operating plan, including days of the week and hours of operation;
- c) effects on surrounding land uses and proposed methods to mitigate impacts;
- d) effects on agricultural land and agricultural operations and proposed measures to mitigate impacts, including the conservation of top soil through storage and return to use;
- e) effects on natural capital lands, and measures to mitigate impacts;
- f) site accessibility and road suitability to accommodate traffic generated by the development;
- g) designation of haul routes and plans to upgrade and maintain the affected roads, and identify measures to mitigate impacts, including but not limited to noise, dust and excessive maintenance problems;
- h) the presence of surface water and groundwater, and impacts thereon, and proposed measures to mitigate impacts;
- i) a reclamation plan, including proposed land uses;
- j) comments by and copies of the necessary permits and approvals from applicable government agencies; and
- k) any other information deemed necessary by the County in order to process the permit.

Policy 13.9 Ponoka County shall require applicants for new or expanded aggregate resource extraction developments to develop a public consultation plan to the satisfaction of the County prior to consideration of the application by the County.

Policy 13.10 In approving a resource extraction operation, Ponoka County may apply conditions related to any of the considerations outlined in Policy 13.8 and any other provisions of this MDP.

Given first reading this 22 day of August, 2023 and was carried unanimously.

Public Hearing required by the act conducted on September 26, 2023.

Given second reading this ____ day of _____, 2023 and was

By-Law 23-23-A was given third and final reading this ____ day of _____, 2023 and was _____.

Reeve

Chief Administrative Officer