

**MUNICIPAL DISTRICT OF BIGHORN NO. 8**  
**PUBLIC HEARING NOTICE**

*Due to the COVID-19 pandemic, the public hearing will be held electronically by way of a Microsoft Teams meeting. There will be no in-person participation at this hearing.*

**RE: BYLAW NO. 10-Z/21, A BYLAW TO AMEND SECTIONS 4.2, 2.4, AND 29.3 OF LAND USE BYLAW NO. 09-Z/18**

**DATE: TUESDAY, JANUARY 11, 2022**

**TIME: 6:00 P.M.**

**LOCATION: The public hearing will be held electronically in accordance with the Meeting Procedures (COVID-19 Suppression) Regulation.**

**PURPOSE:**

The MD of Bighorn received a Land Use Bylaw amendment application from Graymont Western Canada Ltd. to amend Sections 4.2, 2.4, and 29.3 of Land Use Bylaw No. 09-Z/18. Graymont operates a plant and owns a limestone quarry currently in reclamation phase east of the Hamlet of Exshaw. The Graymont lands are located within the Natural Resource Extraction (NR) District according to Land Use Bylaw 09-Z/18. On the northeast end of the site adjacent to the quarry, a coal stockpile has been maintained since 2010. The Land Use Bylaw amendment application proposes amendments to Section 4.2, 2.4, and 29.3 of the Land Use Bylaw which would allow offsite storage of material associated with their Natural Resource Extraction approval (off-site storage area for stockpiling of material such as: surface soil, coal, reject material [i.e., crushed rock or gravel], and finished product). Currently, offsite storage has been approved by the Municipal Planning Commission through temporary development permits for coal storage at portions of the NW and NE Sec. 25, Twp. 24, Rge. 9, W5M. The Land Use Bylaw amendment application proposes that a new Section (4.2.13) be added to Section 4.2 of the Land Use Bylaw which provides regulations for offsite material storage along with the addition of a definition of Offsite Material Storage and the inclusion of this new use within the NR District as a discretionary use.

The proposed bylaw amendments can be viewed on the MD of Bighorn municipal website at [www.mdbighorn.ca](http://www.mdbighorn.ca) or at the municipal office located at 2 Heart Mountain Drive, Exshaw, AB.

**REPRESENTATION:**

The public hearing for proposed Bylaw 10-Z/21, will provide the public with an opportunity to address Council. Verbal and written comments and suggestions are invited and should be addressed to the point of the draft bylaw. They may be made by any person or group of persons, or a person acting on his, her or their behalf, who claims to be affected by the proposed draft bylaw; and from any other persons whom, at the hearing, Bighorn Council wishes to hear.

**Participation at the public hearing is open to the public via telephone and video conference. The public hearing will be livestreamed on the [MD YouTube Channel](#).**

If you wish to participate by video conference, please contact the Municipal office by **January 10, 2022 before 4:30 p.m.** and you will be provided with a link to the meeting. You will be responsible for providing your own computer technology and internet access to participate in the video conference. If you do not have adequate computer technology and internet access and wish to participate in the video conference, the municipal office may be able to provide assistance if you contact the office prior to 4:30 p.m. January 6, 2022.

To participate in the hearing by way of telephone, please call the following phone number prior to the start of the public hearing:

Canada Toll Free: (844) 881-3417  
Conference ID: 890 301 570#

**Written submissions may be made electronically by the persons described above and must be received by 4:30 p.m. on January 10, 2022 to [bighorn@mdbighorn.ca](mailto:bighorn@mdbighorn.ca).** If you cannot do so electronically, written submissions can be mailed or dropped off at the Municipal Office, #2 Heart Mountain Drive, P.O. Box 310, Exshaw, Alberta, T0L 2C0 by the date indicated above. There is a drop box is located on the front of the building.

Verbal presentations may be made at the hearing by individuals or groups (as described above), whether or not they have submitted a written presentation. Verbal presentations should be limited to five (5) minutes, except that a person speaking as a representative of a group of persons may speak for a maximum of ten (10) minutes.

**DOCUMENTATION:**

A copy of Bylaw No. 10-Z/21 is available to view or download from the Agenda Center on the M.D.'s website (<https://www.mdbighorn.ca/AgendaCenter>)

**Your response to this advertisement will be considered your consent to the public distribution of your written or verbal submission as part of the public record for this hearing, including any personal information you provide.**

For additional information, contact the M.D. of Bighorn No. 8 office at 403-673-3611 or 403-233-7678 (Calgary direct line).

Jenny Kasprovicz, Development Planner  
MD of Bighorn No. 8

**MUNICIPAL DISTRICT OF BIGHORN NO. 8**

**BYLAW #10-Z/21**

A BYLAW FOR THE PURPOSE OF AMENDING THE MUNICIPAL DISTRICT OF BIGHORN NO. 8 LAND USE BYLAW IN ACCORDANCE WITH THE MUNICIPAL GOVERNMENT ACT, CHAPTER M-26, REVISED STATUTES OF ALBERTA 2000, AS AMENDED

**WHEREAS** the Municipal District of Bighorn No. 8 adopted Land Use Bylaw No. 09-Z/18;

**AND WHEREAS** pursuant to the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000 as amended, a Council may adopt and amend a Land Use Bylaw;

**AND WHEREAS** Council has received an application from the landowner to amend Sections 4.2, 2.4, and 29.3 of Land Use Bylaw No. 09-Z/18, as amended.

**AND WHEREAS** Council, having considered at a public hearing the concerns of persons claiming to be affected by this bylaw amendment application, believes that the amendment of the Land Use Bylaw should be allowed in order to achieve the orderly, economical and beneficial use of land in the Municipal District;

**NOW THEREFORE**, the Municipal Council of the Corporation of the Municipal District of Bighorn No. 8 in the Province of Alberta, duly assembled in Council, enacts as follows:

Land Use Bylaw No. 09-Z/18 is amended as follows:

1. Addition of Section 4.2.13 to Section 4.2 of Land Use Bylaw - Aggregate Extraction and Natural Resource Extraction and Processing:

4.2.13. A separate off-site storage area may be used for stockpiling of material such as: surface soil, coal, reject material (i.e., crushed rock or gravel), and finished product. Contaminated or potentially acid generating material must not be included in a storage area. Lands used for offsite storage must be located within the Natural Resource Extraction District.

- a) Material stockpiles are to be located such that they will not be a source of contamination to watercourses which is to be confirmed by a professional biologist or other approved professional. Stockpile setbacks from watercourses must be sufficient to minimize impacts to watercourses, including allowing sufficient response time to mitigate potential impacts.
- b) Stockpiled material must be managed to minimize impacts (e.g., erosion, seepage) to the surrounding area. Where necessary, stockpiles must be stabilized and ditched to prevent migration of material. Fine solids are to be disposed of in an area not subject to erosion. Dust control shall be practiced throughout the site and on associated roadways as necessary.
- c) All roads to and from the storage area must be maintained by the holder of the Development Permit.

- d) Water that comes into contact with stockpiles must not be released into the environment unless it complies with wastewater limits as specified by the Alberta Energy Regulator (AER).
  - e) Material stockpiles shall be positioned to be screened from view as much as possible from Highway 1 and Highway 1A. Screening measures may be required by the Development Authority.
  - f) Approvals for off-site material stockpiles shall not exceed a time period of 5 years.
  - g) Any materials to be stored must comply with Section 12.2.11 of the Municipal Development Plan.
2. Addition of a definition of Off-site Material Storage to Section 2.4 – Definitions of the Land Use Bylaw:
- “Off-site Material Storage” means an area within a Natural Resources District, but outside of an existing permitted industrial zone that is used to stockpile material such as: surface soil, coal, reject material (i.e., crushed rock or gravel), and finished product.
3. Addition of a new discretionary use to Section 29 – Natural Resource Extraction District:
- Section 29 Natural Resource Extraction District (NR)  
29.3. Discretionary Uses  
Offsite Material Storage
4. The Land Use Bylaw amendments contained in Bylaw 10-Z/21 shall be consolidated into Bylaw 09-Z/18, as amended.

READ A FIRST TIME THIS 9th DAY OF November, A.D., 2021.

READ A SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2021.

READ A THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2021.

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REEVE

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CHIEF ADMINISTRATIVE OFFICE



# PUBLIC HEARING PROCEDURES

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1. **Motion to go into Public Hearing**: The Chair will call for a motion from Council to go into the Public Hearing, for the proposed bylaw/resolution.  
\*\* Chairman calls the Hearing to order. Housekeeping issues relating to the fact that this meeting is conducted through video conference rather than in-person:
  - If participating by way of telephone or video, please state your name when you begin speaking either in support or opposition to the proposed bylaw/resolution;
  - Please mute your microphone or phone when not speaking to minimize background noise; and
  - Please avoid interrupting or speaking over anyone.
2. **Outline of Public Hearing Procedures**: The Chair will outline the Public Hearing procedures. Providing that a person or persons have indicated their intent to speak to the proposed bylaw/resolution, the Public Hearing Procedures will be as per #3 - #9 below. In situations where no person has indicated an intent to speak to the proposed bylaw/resolution, the Public Hearing Procedures will commence at #10 below.
3. **Introduction by Administration**: A member or members of M.D. Administration will introduce the proposed bylaw/resolution, provide information on the notice of Public Hearing (how and where the Hearing was advertised; notification of affected landowners, government departments, if applicable; etc.), and indicate what correspondence/submissions have been received in response to the notices provided. After Administration's introduction is complete, any Councillor may ask Administration relevant questions.
4. **Introduction by Applicant**: Should there be an Applicant for the bylaw/resolution, the Applicant will be provided with a maximum of twenty (20) minutes to present their application. After the Applicant's introduction is presented, any Councillor may ask the Applicant relevant questions.
5. **In Favour**: The Chair will then call for anyone present who wishes to speak in favour of the proposed bylaw/resolution. Persons speaking on their own behalf may speak for a maximum of five (5) minutes; persons speaking as a spokesperson for a group or petition may speak for a maximum of ten (10) minutes. Those speaking in favour must be unconditionally in support of the proposed bylaw/resolution: anyone supporting with conditions will be deemed to be in opposition to the proposed bylaw/resolution. After any presentation in favour is concluded, any Councillor may ask the speaker relevant questions.
6. **In Opposition**: The Chair will then call for anyone present who wishes to speak in opposition to the proposed bylaw/resolution. Persons speaking on their own behalf may speak for a maximum of five (5) minutes; persons speaking as a spokesperson for a group or petition may speak for a maximum of ten (10) minutes. After any presentation in opposition is concluded, any Councillor may ask the speaker relevant questions
7. **Rebuttal by Applicant**: The Applicant will be given an opportunity to provide rebuttal comments to those points raised by those who spoke in opposition. Rebuttal comments are restricted to addressing new points raised by those who spoke in opposition. After any rebuttal presentation is concluded, any Councillor may ask the speaker relevant questions
8. **Final Questions of Administration**: Councillors may ask any final relevant questions of Administration.
9. **Closure of the Public Hearing**: The Chair will then close the Public Hearing, noting that Council will not accept any further written or oral submissions on the bylaw/resolution.
10. **No one present to speak**: If, at the commencement of the Public Hearing, if no person indicates an intent to speak to Council, the following procedures will be followed:
  - Council may hear an introduction from Administration.
  - Councillors may ask Administration relevant questions.
  - The Chair then closes the Public Hearing.