

CYPRESS COUNTY POLICY

TITLE:	Private Dust Control	POLICY NO.:	R1
AUTHORITY:	Resolution No. 84/50	DATE:	MAY 20, 1984
REVISED:	Resolution No. 85/193	DATE:	June 11, 1985
	Resolution No. 87/99		April 7, 1987
	Resolution No. 91/24		February 5, 1991
	Resolution No. 92/145		June 16, 1992
	Resolution No. 93/52		June 1, 1993
	Resolution No. 94/135		June 21, 1994
	Resolution No. 95/07		January 3, 1995
	Resolution No. 95/287		October 24, 1995
	Resolution No. 99/55		March 2, 1999
	Resolution No. 2008/19		January 22, 2008
	Resolution No. 2009/176		June 16, 2009
	Resolution No. 2009/178		June 16, 2009
	Resolution No. 2015/402		October 20, 2015
	Resolution No.: 2016/347		July 5, 2016
	Resolution No.: 2018/382		July 3, 2018

DEFINITIONS

Extenuating Circumstances - includes traffic loading and any other factors which Council may wish to consider. A traffic count of 200 Average Vehicles per Day may be considered sufficient for the County to provide dust control, providing that the residence or farmstead is within 200 metres of the road.

Taxable Road – where the majority of Owners have dust control, Council may designate an entire section of road as Taxable and upon dust controlling the entire section of road, will make all Owners liable for the Special Tax and removal no longer an option.

Owner - a person whose name appears on the assessment roll of the County in respect to land liable to assessment and taxation for general municipal purposes, and has a residence, farmstead or other development on the land.

Multi-Lot - where there has been a subdivision or subdivisions, any three (3) or more lots or adjacent parcels of land designated as Country Residential or Country Residential 2

PURPOSE

Cypress County may provide for the placement of a 200 metre strip of dust control product on roads adjacent to farmsteads, residences or other developments.

GUIDELINES

1. The owner will pay, in advance, a fee as specified in the Master Rates Bylaw towards the application of a dust control product adjacent to a farmstead, residence or other development, not including multi - lot subdivisions.
2. Where two adjoining strips are requested for a single farmstead, residence or other development, the owner will be required to pay 50% of the cost to install the second dust control treatment, in addition to the application fee. Three adjoining strips will not be allowed.
3. Where the owner is required to pay 50% of the costs prior to construction, the owner must pay their portion based on an estimate determined by the County. The owner's final cost will be determined by actual cost, and any balance must be paid [or refunded] upon installation.
4. The County will by bylaw, under the applicable legislation, impose a Special Tax on the property of the farmstead, residence or other development adjacent to the area of the dust control.
5. When a subdivided parcel is re-subdivided, the Special Tax will be imposed on both parcels without any additional dust control treatment.
6. The County will by bylaw, under the applicable legislation, impose a Special Tax on all lots in a multi-lot subdivision where dust control contracts existed prior to 2008. Such Special Tax shall be levied and paid along with other taxes every year the dust control remains.
7. The farmstead, residence or other development is within 200 metres of the road.
8. The Director of Public Works will decide what dust control product is used and how often after the initial application it is reapplied.
9. Council reserves the right to make the final decision on whether an application for dust control adjacent to a farmstead, residence or other development is eligible and whether a road is declared Taxable.
10. Council may consider total costing by the County where extenuating circumstances apply.
 - a. Council may adjust the fees and levies payable from time to time by resolution of the Council. The owner(s) will receive written notice of the adjustment prior to March 1 in any year the special tax levy is adjusted and the owner(s) will be given the opportunity to retain dust control at the adjusted rate or to have the dust control removed.
 - b. Such removal shall result in the farmstead, residence or other development owner and/or property being ineligible for dust control product re-application for a period of three (3) years.

11. Such removal from a multi-lot subdivision will only be done if Cypress County receives a petition from $\frac{2}{3}$ of all of the owners representing at least $\frac{1}{2}$ of the value of the assessments of the parcels of land within the multi-lot subdivision requesting the dust control product be removed. Such removal shall result in the owners and/or properties being ineligible for future dust control under this policy.
12. The levy for the Special Tax is reflected in the Master Rates Bylaw.

ADMINISTRATION AND PROCEDURE

1. An owner wishing to have dust control placed adjacent to a farmstead, residence or other development will submit an application and signed agreement to the County along with the application fee as set by the Master Rates Bylaw. When an application for dust control is received prior to March 1, the project will typically be completed that season. Applications received after March 1 in any year may be considered subject to availability of Dust Control material, equipment, scheduling of the work and availability of funding. Applications for dust control in new Multi-lot subdivisions will not be accepted under this policy.
2. The Director of Public Works will evaluate whether the application complies with the policy.
3. If the application is approved, the Dust Control material will be applied subject to the County's schedule for general dust control.
4. If the application is refused, the applicant will be notified by the Director of Public Works. The applicant may appeal the decision to Council
5. An owner wishing to have farmstead, residence or other development dust control removed must submit written notice to the County prior to JULY 1 in any year. The dust control will be removed and such removal shall result in the owner and/or property being ineligible for dust control product re-application for a period of three (3) years.
6. Owners wishing to have dust control removed from a multi-lot subdivision must submit to Cypress County prior to JULY 1, a petition from $\frac{2}{3}$ of all of the owners representing at least $\frac{2}{3}$ of the value of the assessments of the parcels of land within the multi-lot subdivision requesting the dust control product be removed. Such removal shall result in the owners and/or properties being ineligible for future dust control under this policy.