

## CYPRESS COUNTY POLICY

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

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### DEFINITIONS:

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

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.

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

### POLICY STATEMENT

Cypress County may provide for the placement of a 200 metre strip of dust control product on roads adjacent to farmsteads or other developments subject to the following conditions:

1. The owner will pay, in advance, \$400.00 (including GST) towards the application of a dust control product adjacent to a farmstead or other development, not including multi - lot subdivisions.
2. The County will by bylaw, under the applicable legislation, impose a Special Tax of \$400.00 per year on the property of the farmstead or other development adjacent to the area of the dust control, or a Special Tax of \$300.00 per year on all lots in a multi-lot Country Residential 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.

3. The farmstead or other development is within 200 metres of the road.
4. The Council or Council's designate will decide what dust control product is used and how often after the initial application it is reapplied.
5. The Council reserves the right to make the final decision on whether an application for dust control adjacent to a farmstead or other development is eligible.
6. The Council may consider total costing by the County where extenuating circumstances apply.
7. The 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.
  - a) Such removal shall result in the farmstead or other development owner and/or property being ineligible for dust control product re-application for a period of three (3) years.
  - b) Such removal from a multi-lot Country Residential Subdivision will only be done if Cypress County receives a petition from 2/3 of all of the owners representing at least 1/2 of the value of the assessments of the parcels of land within the multi-lot Country Residential 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.

ADMINISTRATION AND PROCEDURE:

1. An owner wishing to have dust control placed adjacent to a farmstead or other development will apply to the County office prior to MARCH 1 in the year the dust control is first requested. An application for dust control 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 Country Residential Subdivisions will not be accepted.
2. The Public Works Supervisor will evaluate whether the application complies with the policy.
3. If the application complies with the policy, the Public Works Supervisor will request the applicant to pay the \$400.00 initial contribution, and have the owner sign the agreement to impose a Special Tax against the property pursuant to Part 10 Division 5 of the Municipal Government Act.
4. If the application does not comply, the Public Works Supervisor will take the application to the Council for a final decision.

5. If the application has been approved under either Section 3 or 4 above, the Dust Control material will be applied subject to the County's schedule for general dust control.
6. If the application has been refused, the applicant will be notified by the Public Works Supervisor.
7. An owner wishing to have farmstead 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.
8. Owners wishing to have dust control removed from a multi-lot Country Residential Subdivision must submit to Cypress County prior to JULY 1, a petition from 2/3 of all of the owners representing at least 1/2 of the value of the assessments of the parcels of land within the multi-lot Country Residential 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.

**CYPRESS COUNTY  
APPLICATION AND AGREEMENT FOR SPECIAL TAX  
DUST TREATMENT**

I/WE:

NAME(s): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_

(hereinafter referred to as the "Owner")

BEING THE rightful owner(s) of the following land:

\_\_\_\_\_  
(hereinafter referred to as the "Land")

DO HEREBY APPLY TO Cypress County (hereinafter referred to as the "County") for the placement and maintenance of dust treatment on the road adjacent to the above said land and fronting a farmstead or other development located thereon.

WHEREAS the Council of the County has adopted a Private Dust Control Policy R1 (hereinafter referred to as Policy R1) providing for the placement and maintenance of dust treatment on roads adjacent to farmsteads or other developments subject to certain conditions;

AND WHEREAS the County will impose a Special Tax pursuant to the Municipal Government Act on property adjacent to the area of the dust treatment is placed to be levied and paid along with other taxes every year the dust treatment remains;

AND WHEREAS the County has approved the placement and maintenance of dust treatment on a road adjacent to the farmstead or other development located on the said land.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises, covenants, conditions and terms contained herein, the parties hereto agree as follows:

1. The County will provide a 200 metre strip of dust treatment on the road adjacent to the farmstead or other development.
2. The County shall determine the dust treatment product to be used and shall determine how often after the initial application the dust treatment will be re-applied.
3. In consideration of the rights herein conferred, the owner shall pay to the County the sum of \$300.00, payable upon acceptance of this petition and execution of this agreement.
4. The owner further agrees to pay the sum of \$300.00 per year for each and every year the dust treatment remains by way of a Special Tax pursuant to the Municipal Government Act and Policy R1. This Special Tax shall be so construed as to enure to the benefit of the Owner and such of his heirs, executors and administrators and his and their assigns as may be entitled or permitted to benefit thereunder.
5. Request for removal of dust treatment is subject to the conditions and re-application restrictions pursuant to Policy R1.
6. The said Special Tax shall be in addition to all other rates and taxes and shall commence in the taxation year following the year the dust treatment is placed.
7. The rates and conditions stated herein are subject to periodic review and may be adjusted from time to time pursuant to Policy R1.
8. The owner acknowledges and agrees that the total rights secured by the owner are only such rights as are specified in this agreement and Policy R1; and that the County has made no representations, warranties, promises or agreements, either express or implied, beyond those contained therein.

IN WITNESS WHEREOF the parties hereto have executed this Application and Agreement this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Cypress County

\_\_\_\_\_  
Witness

\_\_\_\_\_  
The Owner