

**Municipal District of Rocky View No. 44
Bylaw C-4375-94**

A Bylaw of the Municipal District of Rocky View No. 44 to amend Bylaw C-1725-84.

WHEREAS the Council deems it desirable to amend the said Bylaw; and

WHEREAS the Council of the Municipal District of Rocky View No. 44 has received an application to amend Land Use Bylaw C-1725-84, (the "Land Use Bylaw") to change the land use designation from Agricultural (2) district, Small Holding District and Agricultural Balance District to Direct Control District - Aggregate Extractive Industry, with respect to the W½ 4-26-2-W5M and a portion of the SE ¼ 4-26-02-W5M described in Schedule "A" attached hereto (the "Lands") and forming part of this Bylaw; and

WHEREAS a notice was published on November 15, 1994 and November 22, 1994 in the Rocky View Five Village Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44 advertising the Public Hearing for November 29, 1994; and

WHEREAS Council held a Public Hearing and have given consideration to the representations made to it in accordance with Sections 139 and 140 of the Planning Act being Chapter P-9 of the Revised Statutes of Alberta 1980, as amended.

NOW THEREFORE the Council enacts the following:

1. That the Land Use Bylaw be amended by redesignating the use of the Lands from Agricultural (2) District, Small Holding District and Agricultural Balance District to Direct Control District (DC) - Aggregate Extractive Industry.
2. That the special regulations of the Direct Control District (DC) - Aggregate Extractive Industry are as follows:

1.0.0 GENERAL REGULATIONS

- 1.1.0 Council shall consider and decide on applications for Development Permits for those areas which are listed as "Permitted Uses" and "Discretionary Uses" in this District provided the provisions of same are completed in form and substance satisfactory to the Council, except where specifically noted that Development Officer approval is required.
- 1.2.0 The Council shall require to be issued Development Permits which have been approved.
- 1.3.0 No development of the Lands shall be permitted without and until an Archaeological and Historical Impact Assessment has been submitted by the applicant and is satisfactory in both form and substance to each of the Council

and the Alberta Department of Community Development, Historic Sites & Archives Services.

- 1.4.0 Where required by Council as a condition of a Development Permit, no development of the Lands shall be permitted without and until the Applicant has executed a Development Agreement(s) (the "Development Agreement") in form and substance satisfactory to the Council in its sole and unfettered discretion. The Development Agreement(s) herein shall be registered by caveat against the Lands and shall run with the Lands.
- 1.5.0 No use shall be made of all or any portion of the Lands for a Development without and until an independent Hydrogeological Study paid for by the Applicant which establishes baseline well data for nearby properties, existing groundwater chemistry, the rate and direction of groundwater flow, a long term groundwater monitoring plan and facilities, has been submitted and is satisfactory in both form and substance to each of the Council and Alberta Environmental Protection.
- 1.6.0 No development of the Lands shall be permitted without and until the Applicant has prepared and submitted a Storm Water Management Plan in form and substance satisfactory to each of the Council and Alberta Environmental Protection.
- 1.7.0 No development of the Lands shall be permitted without and until the Applicant has prepared and submitted a Management Plan for the handling and storage of hazardous or other waste materials proposed to be either generated from the development or brought on site, in form and substance satisfactory to each of the Council and Alberta Environmental Protection.
- 1.8.0 No development of the Lands shall be permitted without and until the Applicant has submitted an independent Traffic Impact Analysis satisfactory in form and substance to Council, and the said Council has approved the same, of the short-term and long-term impacts of existing and proposed development on the existing external transportation network. Such analysis shall define the methods, including costs, of the commitments to be undertaken by the Applicant to mitigate any negative impacts on the transportation network in order to secure a high standard of traffic safety.
- 1.9.0 Unless specifically provided for in this Bylaw, the land use regulations contained in Section 8 of the Land Use Bylaw as amended apply.

- 1.10.0 Development Permits issued pursuant to this District shall be for term(s) not to exceed five (5) years in duration and may be issued for a lesser term at the discretion of Council.
- 1.11.0 The Applicant shall prepare and submit to the Development Officer an Annual Operations Report on the state of operations of the development setting out any relevant information which might or will affect the continued operation of the development and any additional information that the Development Officer deems appropriate. The Annual Operations Report shall be submitted in such quantities as Council deems necessary and 30 days prior to each annual anniversary date of the issuance of the Development Permit for the site and shall be referred to Council for its information or review.
- 1.12.0 Pursuant to the provisions of 1.10.0 herein, renewals of Development Permits issued pursuant to this District shall require the Applicants to make written application for same in accordance with the provisions herein.
- 1.13.0 Where the Council at its sole and unfettered discretion determines that a Development Permit holder has failed to fulfil the conditions and obligations of the Development Permit(s), the Council may suspend, revoke, or terminate the Development Permit until the Applicant has fulfilled same to the satisfaction of Council. The terms of Development Permit compliance shall be contained in the Development Agreement(s) and/or Development Permit(s) required herein.
- 1.14.0 In all cases where independent studies or reviews are required by Council, services will be paid for by the Applicant and secured in a form satisfactory to the Municipal District of Rocky View No. 44.

2.0.0 LAND USE REGULATIONS

2.1.0 Purpose and Intent

The purpose and intent of this District is to provide for the exploration, extraction, processing, stockpiling and marketing of in-situ aggregate resources on the Lands and the post-extraction reclamation of the Lands, in accordance with specified regulations. Notwithstanding the foregoing, no processing of aggregate into asphalt or similar components shall be permitted on the site.

2.2.0 List of Permitted Uses

Private parks for public use.

Extensive Agricultural Pursuits

Dwellings existing at the time of passing of the Bylaw

2.3.0 List of Discretionary Uses

Aggregate Resource Extractive Industry which includes:

- (i) Aggregate Exploration and Testing**
- (ii) Aggregate Extraction**
- (iii) Aggregate Processing, except as limited by 2.1.0 herein**
- (iv) Aggregate Stockpiles**
- (v) Aggregate sales Facilities**
- (vi) Reclamation Earthworks**
- (vii) Berms and other Earthworks intended to Mitigate and Buffer the adverse impacts of Development**
- (viii) The above uses do not include Blasting**

Antenna Structures

Accessory Buildings

Intensive Agricultural Pursuits

3.0.0 DEVELOPMENT REGULATIONS (AGGREGATE EXTRACTIVE INDUSTRY)

In addition to the regulations referenced by 1.0.0 and 2.0.0 herein, the following regulations shall apply to aggregate extractive industry in this District:

3.1.0 Application Procedure - Development Permits

- 3.1.1 An application for a Development Permit for aggregate extractive land uses contained herein shall be submitted in such reasonable quantity as may be required by Council and shall be accompanied by the following Information to Council's satisfaction:**

- a) a key plan drawn at a scale satisfactory to Council showing the proposed development, indicating the relation to nearby roadways, structures, waterways and to any topographic feature or landmark which will identify where the development is or is to be located;
- b) a site plan drawn to a scale of not less than 1:2000 showing:
 - (i) the site or sites on which the Applicant's right to extract aggregate resources are established or are proposed to be established and for the specific purposes hereof, a site shall at the discretion of Council, include all of the Lands or a portion thereof;
 - (ii) plotted thereon the dimensioned limits and boundaries of the portion or portions of the site or sites over which the Applicant holds or proposes to hold interest and rights to extract aggregate resources, and include phasing as shown on Schedule "B".
 - (iii) plotted thereon any buildings or dwelling or other structure presently erected on the site or sites or within a distance of 152 metres (498.69 ft) lying outside the boundaries of the site or sites;
- c) a plot plan drawn to scale of not less than 1:1000 showing:
 - (i) contours at intervals of not less than 1.0 metres (3.28 ft) throughout the dimensioned area or areas over which the Applicant holds or proposes to hold interest and rights to extract aggregate resources and throughout whatever additional areas of the site as may be necessary in the opinion of the Council;
 - (ii) such lines as may be necessary to indicate the location of profiles and cross-sections;
 - (iii) the specific area or areas for the actual location of any extraction, processing and/or other attendant development which the Applicant intends to be considered by the Council for the issue of a Development Permit for a period of time as specified in such Permit;
 - (iv) the present and proposed means of access and egress from any municipal roadway to any development proposed for the Lands or portions thereof, including any intersection treatment(s) on or adjacent to the site and schedules for payment and/or construction by the Applicant for same;

- (v) the location or proposed location of any other development including any ancillary structure or building or stockpiling of material for backfill, reclamation or for any purpose;**
- d) such profiles or cross-sections of the site actually containing the excavation as are necessary to show the original ground level, the proposed depth to which the excavation is to be excavated and the level to which it is proposed to restore the surface of the excavation in relation to the lands adjacent to the Lands;**
- e) an outline of the method intended to be used for the excavation of materials contained on the Land, and the plant(s) and equipment to be used in conjunction therewith;**
- f) the projected program and timelines of proposed excavation, backfilling, terracing and/or levelling;**
- g) a description of the method(s) and type of materials to be used for backfilling or terracing the excavation and for levelling or restoring the surface of the Lands;**
- h) information on the proximity of the lowest level to which the excavation is to be restored to the water table in the immediate vicinity of the excavation;**
- i) an outline of the projected method of controlling or mitigating any adverse effects resulting from noise, dust, or drainage from or into the excavation, access and municipal roads and adjacent lands, including the submission of baseline or benchmark data against which future measurements and analysis can be compared;**
- j) the length of time in years that the Applicant estimates that a Development Permit(s) will be required to complete the overall development of the lands;**
- k) A reclamation plan shall be submitted for each phase of development of the Lands prior to the issuance of a Development Permit or Permits and shall be in form and substance satisfactory to the Council and Alberta Environmental Protection.**
- l) such other information as required by Council and herein.**

3.2.0 Development Phasing

3.2.1 Development Phasing of the lands shall occur in four phases in accordance with the Phasing Plan being Schedule "B" contained herein and forming part of this Bylaw. All licences, permits and development approvals pertaining to the Lands shall be required prior to the development of each phase of the Lands.

3.3.0 Reclamation

3.3.1 No Development Permit shall be issued for uses on the Lands where such uses are subject to the Environmental Protection and Enhancement Act as amended, until an approval has been issued by Alberta Environmental Protection.

3.3.2 No more than 40 acres of the Lands shall be directly involved in aggregate extraction (mining and crushing) at any one time and progressive reclamation shall be required in accordance with the reclamation plan required in 3.3.1, herein.

3.4.0 Setbacks for Aggregate Extraction

3.4.1 All aggregate extraction and processing shall be set back 60 m from any property line of the Lands and the 60 m setback shall be maintained as a buffer zone.

3.5.0 Erosion and Dust Control

3.5.1 Surface drainage patterns shall be maintained adjacent to and within the area disturbed by aggregate excavation, processing or other attendant uses to prevent surplus accumulation of surface run-off unless otherwise approved by both Council and Alberta Environmental Protection.

3.5.2 Erosion control measures shall be undertaken in accordance with the Stormwater Management Plan required in Section 1.6.0.

3.5.3 Dust control measures shall be a condition of the Development Permit and the standards and responsibilities respecting same shall be established in the Development Agreement which is required under Section 1.4.0.

3.6.0 Noise Control

3.6.1 Noise control measures including baseline measurements as in 3.1.1(i) and periodic monitoring shall be a condition of the Development Permit and the

standards and responsibilities respecting same as established in the Development Agreement which is required under Section 1.4.0.

3.7.0 Terms of Operation

3.7.1 The hours of operation for aggregate crushing, shall be as established in the Development Permit, but in no case will crushing operations be permitted on Saturdays, Sundays and Statutory Holidays.

3.7.2 The hours of operation of the gravel pit shall be from 7:00 a.m. to 6:00 p.m.

3.7.3 Access and egress to the Lands by gravel hauling trucks and construction equipment shall be from 7:00 a.m. to 6:00 p.m. No access or egress shall be permitted by gravel hauling trucks and construction equipment on Sundays or Statutory Holidays. However, on Saturdays, only vending operations will be allowed.

3.8.0 Landscaping and Berming

3.8.1 Landscaping and Berming shall be a condition of the Development Permit and shall establish the planting, construction and maintenance program and the terms and responsibilities for same shall be established in the Development Agreement which is required under Section 1.4.0.

3.8.2 In addition to 3.8.1 herein, all berms, overburden stockpiles and similar earthworks shall be seeded (or such other process or materials as Council may determine) to grass (and watered as required to ensure a healthy ground cover is established) immediately and within 15 days of construction having commenced on them, but in no case later than the end of the first growing season following construction of such earthworks, to prevent erosion and dust.

3.8.3 As a condition of the Development Permit, contoured berms shall be constructed, coinciding with each phase of the Applicant's development and maintained by the Applicant. The terms and responsibilities for same shall be established in the Development Agreement which is required herein. No berming shall be erected within 30 m of the NE-4-26-2-W5M.

3.9.0 Fire Suppression and Abatement

3.9.1 Fire suppression and abatement measures shall be included as a condition of the Development Permit where deemed necessary by the Council.

3.10.0 Access and Haul Routes

- 3.10.1** Access to the Lands including Council-required improvements for all aggregate resource extractive purposes shall be carried out in accordance with recommendations from a Traffic Impact Analysis and located as Council deems necessary. All construction shall be to municipal standards.
- 3.10.2** The construction of acceleration and deceleration lanes, points of access and egress, sight line enhancement, warning lights, signage and other roadway improvements on and adjacent to the lands as may be required by Council shall be carried out in accordance with the Traffic Impact Analysis required herein. Where such improvements are considered appropriate by Council, these improvements shall be a condition of the Development Permit and will be set out in the Development Agreement.
- 3.10.3** As a condition of the Development Permit and as a part of the Annual Report required herein, the Applicant shall prepare and submit to the Director of Transportation and Field Services, a Trucking Policy in form and substance satisfactory to Council relating to the supervision of the Applicant's trucking contractors and the Applicant's employees using municipal roads to haul aggregate or products processed from same and the methods the Applicant will employ and has employed to address complaints from the Community.

4.0.0 NON - INDUSTRIAL LAND USES

- 4.0.1** All non - industrial land uses shall be regulated by the Agricultural (2) District regulations of the Land Use Bylaw.

5.0.0 DEFINITIONS

- 5.1.0** **Adjacent Land** - means land or a portion of land that is contiguous to the parcel of land that is subject to a development application and includes land or a portion of land that would be contiguous if not for a public roadway, primary highway, river or stream, or reserve lot.
- 5.2.0** **Applicant** - means the registered owner of the land or his or her representative or agent certified as such.
- 5.3.0** **Council** - means the Council of the Municipal District of Rocky View No. 44.
- 5.4.0** **Development** - means:

- (i) any excavation or stockpile and the creation of either of them,

- (ii) a Building or an addition to, or replacement, or repair of a Building and the construction of placing in, on, over or under land of any of them,
- (iii) a change in use of land or a Building or an act done in relation to land or a Building that results in or is likely to result in a change of use of the land or the Building, or
- (iv) a change in the intensity of the use of land or a Building or an act done in relation to land or a Building that results in or is likely to result in the change in the intensity of use of the land or Building.

5.5.0 Development Agreement - means an agreement between the Developer and the Municipality specifying development regulations, criteria or conditions as contained in this District or as otherwise imposed by Council upon the use and development of the Lands necessary to ensure all developments on the land conforms to municipal approvals.

5.6.0 Management Plan - means that Plan prepared and submitted in accordance with Article 1.7.0 of this Bylaw.

5.7.0 Stormwater Management Plan - means that Plan prepared and submitted in accordance with Article 1.6.0 of this Bylaw.

5.8.0 Terms not defined herein have the same meaning as defined in Section 9.0.0 of the Land Use Bylaw C-1725-84.

6.0.0 IMPLEMENTATION

6.1.1 This Bylaw comes into effect upon the date of its third reading.

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 8th day of November 1994 on a motion by Councillor Anderson.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 17th day of January, 1995 on a motion by Councillor Wilkinson.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, this 9th day of May, 1995, on a motion by Councillor Wilkinson.



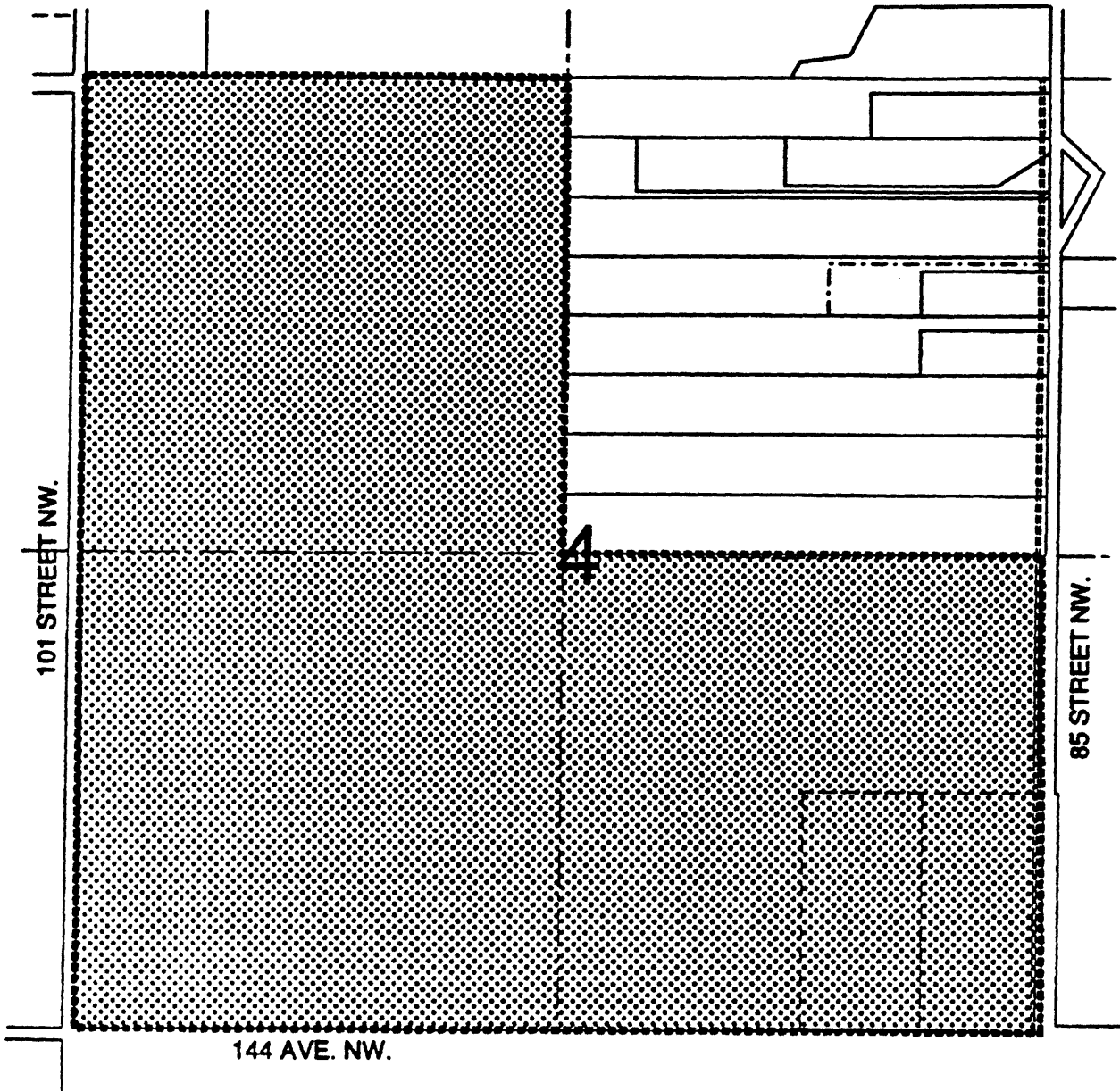
REEVE OR DEPUTY REEVE



MUNICIPAL SECRETARY

SCHEDULE "A"

BYLAW: C-4375-94



AMENDMENT

FROM Agricultural (2) District
Small Holding District

TO _____ Direct Control District



SUBJECT LAND: ■■■■■



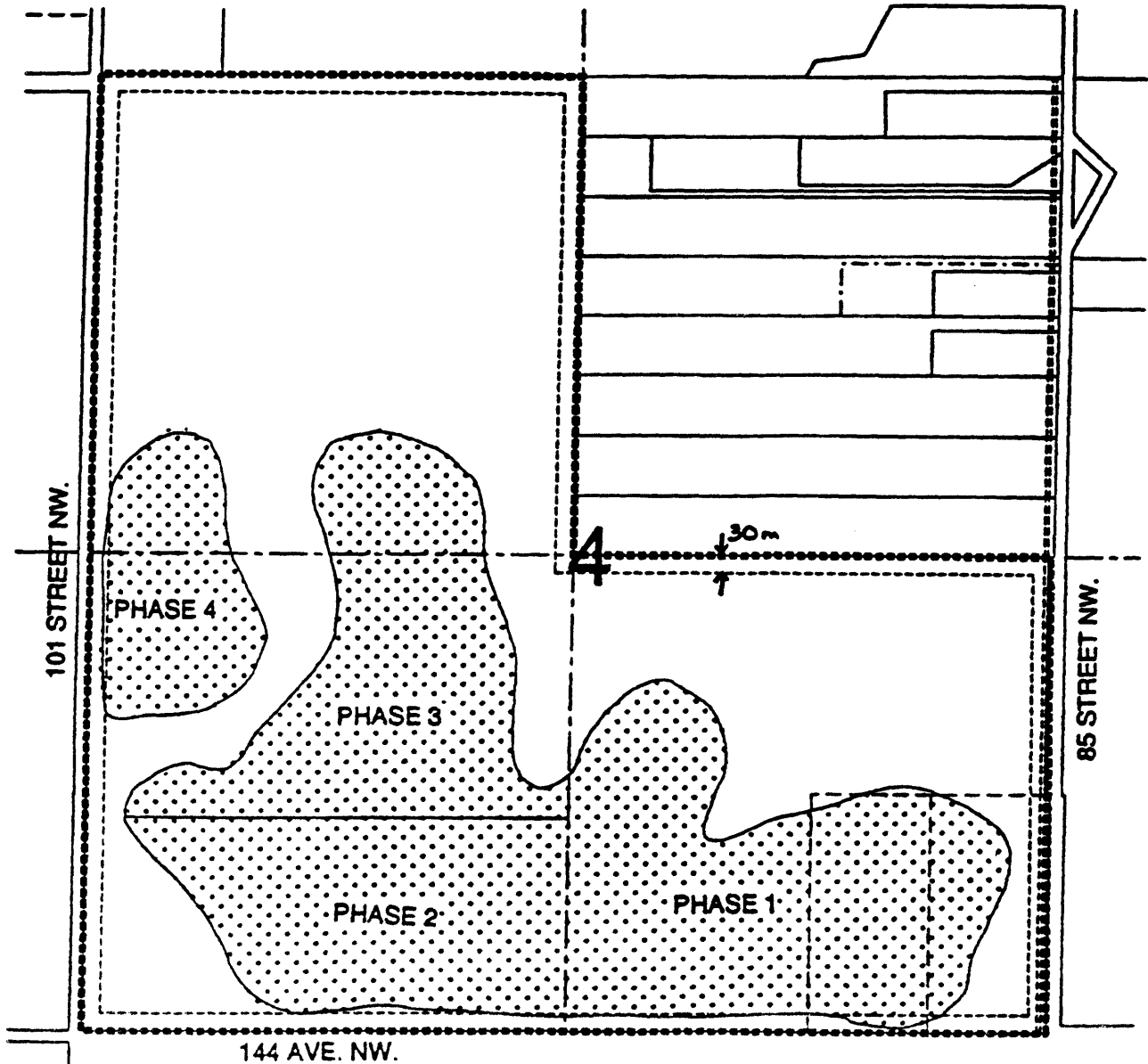
LEGAL DESCRIPTION: W½ 4-26-2-W5M
and a portion of the SE¼ 4-26-2-W5M

FILE: 6604002/003/004/005/006



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SCHEDULE "B" BYLAW:C-4375-94



PHASING PLAN

SE,SW,NW-4-26-2-W5M

DATE: SEPT. '94

SCALE: NTS

FILE: 6604002,003,004,005,006

LLA