

A Bylaw of the Municipal District of Rocky View No. 44 to amend Bylaw C-4841-97.

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-4841-97, (the "Land Use Bylaw") to change the land use designation of the subject lands, all of which are located in the NE 33-27-26-W4M, as follows:

1. To redesignate Lots 1 & 2, Block 1, Plan 9610654 from Direct Control District to Direct Control District;
2. To redesignate Block 1, Plan 9010947, from Direct Control District to Direct Control District; and,
3. To redesignate \pm 11 acres of that portion of the NE $\frac{1}{4}$ of Section 33-27-26-4 which lies to the south of the southerly limit of the Rosebud River on Plan IRR194 containing 77.38 acres from Direct Control District to Direct Control District:

as shown and described in Schedule "A" attached hereto (the "Lands") and forming part of this Bylaw; and

WHEREAS a notice was published on May 2nd and May 9th, 2000 in the Rocky View/Five Village Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44, advertising the Public Hearing for May 16th, 2000; and

WHEREAS Council held a Public Hearing and have given consideration to the representations made to it in accordance with Section 692 of the Municipal Government Act, being Chapter 24 of the Revised Statutes of Alberta 1995, and all amendments thereto.

NOW THEREFORE the Council enacts the following:

- 1.0 That the Land Use Bylaw be amended by redesignating the Lands from Direct Control District to Direct Control District as shown on Schedule "A" attached.
- 2.0 That the special regulations of the Direct Control District are as outlined in Sections 3.0, 4.0 and 5.0 below:
- 3.0 **GENERAL REGULATIONS**
 - 3.1 Unless specifically provided for in this Bylaw, the General Regulations in Part 3 of Land Use Bylaw C-4841-97, as amended, shall apply.
 - 3.2 All uses in this District shall require a Development Permit;
 - 3.3 The Development Authority shall consider and decide on applications for Development Permits for those uses, which are listed as both "Permitted Uses" and "Discretionary Uses" as outlined in sections 4.2 and 4.3 of this Bylaw.

- 3.4 Where the applicant, or owner, proposes new development, expansion or construction on the subject lands the Development Authority may require submission of any of the following studies or reports from a qualified independent consultant, who is licensed to practice in the Province of Alberta, prior to rendering a decision on a Development Permit application:
- 3.4.1 A hydrogeological Study to the satisfaction of the Municipality and Alberta Environment, which shall include:
- (a) baseline well data for properties adjacent to the subject quarter section to include the Villages of Irricana and Beiseker;
 - (b) existing groundwater chemistry;
 - (c) the rate and direction of groundwater flow;
 - (d) long-term groundwater monitoring plan and facilities.
- 3.4.2A Traffic Impact Analysis prepared to the satisfaction of the Municipality and Alberta Infrastructure, and shall:
- (a) identify the short-term and long-term impacts of existing and proposed development on the existing external transportation network;
 - (b) include an analysis which defines the methods, including costs, to mitigate any negative impacts on the transportation network in order to secure a high standard of traffic safety and efficiency;
- 3.4.3A comprehensive Stormwater Management Plan prepared to the satisfaction of the Municipality and Alberta Environment and shall include;
- (a) best management practices for storage and treatment of stormwater;
 - (b) retention ponds with the storage capacity to accommodate sufficient water for a minimum of eight (8) days;
 - (c) provisions to ensure that post-development flow of drainage and stormwater do not exceed pre-development flows;
- 3.4.4A Management Plan for the safe handling and storage of hazardous wastes, substances or other materials proposed to be either generated on-site or brought to the site;
- 3.5 The primary source of water for the operation of the plant and administration building shall be from a well licensed and approved by Alberta Environment.
- 3.6 Where the applicant, or owner, proposes to use a surface water supply as the primary source of water for the plant, and groundwater only for domestic and emergency purposes:

- 3.6.1 The Applicant shall seek Council approval with respect to the provision of a surface piped water supply and provide Council with an agreement between the owner and an independent or third party water supplier to supply water;
- 3.6.2 The applicant shall provide Council with complete plans and specifications respecting said water supply;
- 3.6.3 The Applicant shall prepare and submit an independent Hydrogeological Study paid for by the Applicant which shall include:
- (a) Baseline well data for properties adjacent to the subject quarter section including the Villages of Irricana and Beiseker;
 - (b) Existing groundwater chemistry;
 - (c) Rate and direction of groundwater flow; and,
 - (d) Long-term groundwater monitoring plan and facilities.
- 3.6.4 If the results of the hydrogeological study in 3.7.3 above is not satisfactory in both form and substance to both the Municipality and Alberta Environment, the surface water supply shall not be approved.
- 3.7 In all cases where independent studies or reviews are required pursuant to this bylaw, such studies or reviews will be paid for by the Applicant and financially secured in a form satisfactory to the Municipal District of Rocky View No. 44.

4.0 LAND USE REGULATIONS

4.1 Purpose and Intent

4.1.1 The purpose and intent of this District is to provide for the necessary facilities for the storage, crushing and processing of elemental sulphur, and pelletizing, packaging and shipping of the resultant product.

4.2 List of Permitted Uses

4.2.1 General Agricultural Uses pursuant to Section 43.10 of Land Use Bylaw C-4841-97;

4.2.2 Accessory buildings up to a maximum size of 1830 m² (6,000 sq.ft.).

4.3 List of Discretionary Uses

4.3.1 Processing of Elemental Sulphur pursuant to Section 4.1.1 herein;

4.3.2 Main buildings, structures and equipment for processing, storage, crushing, pelletizing, packaging and shipping of elemental plant nutrient Sulphur;

- 4.3.3 Offices directly associated with Sulphur processing, marketing and distribution and related facilities;
- 4.3.4 Emergency buildings, equipment and structures associated with Sulphur processing;
- 4.3.5 Railway sidings, truck & transport loading and unloading areas, manoeuvring areas, docks and weigh scales, and ancillary equipment and facilities used to transport Elemental Sulphur and processed Sulphur products;
- 4.3.6 Accessory Buildings larger than 1830 m² (6,000 sq. ft.);
- 4.3.7 Retention/detention ponds and ancillary equipment;
- 4.4 Parcel Size: The minimum parcel size shall be the area controlled by the limits of this Direct Control Bylaw as outlined and described by Schedule "A" attached hereto.
- 4.5 Subdivision: Subdivision of the lands for any of the prescribed uses shall not be permitted without amendment to this Direct Control Bylaw;
- 4.6 Outside Storage: The outside storage of Elemental Sulphur is permitted provided all Elemental Sulphur is sealed in weather-proof packaging and the maximum height does not exceed three (3) metres.

5.0 DEVELOPMENT REGULATIONS

In addition to the regulations referenced by 3.0 and 4.0 herein, the following regulations shall apply to this District:

5.1 Application Procedure for Development Permits

- 5.1.1 An application for a Development Permit shall be accompanied by the following Information to the satisfaction of the Development Authority or the relevant government agency:
 - (a) a key plan drawn at a scale satisfactory to the Municipality showing the proposed development, in relation to nearby roadways, railways, waterways and to any topographic feature or landmark;
 - (b) a plot plan drawn to a scale of not less than 1:1000 showing:
 - (i) contours at intervals of not more than 1.0 metre (3.28 ft) throughout the site;
 - (ii) the specific location of any and all buildings or structures and/or other attendant development which the Applicant intends to have considered by the Development Authority and relevant to the issuance of a Development Permit;
 - (iii) 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 construction

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by the Applicant of same;

(iv) the location or proposed location of any water or waste-water extraction, storage and/or treatment or disposal facilities;

(c) detailed reports prepared by qualified professionals outlining the projected method of managing, controlling or mitigating any adverse effects resulting from noise, dust, or drainage from or into the site, access to/from municipal roads and/or adjacent lands, including the submission of baseline or benchmark data against which future measurements and analysis can be compared;

(d) such other information as required by the Development Authority.

5.2 Dust and Drainage Control

5.2.1 Dust control measures shall be a condition of the Development Permit pursuant to Section 5.1.1(c) herein.

5.2.2 Pursuant to 5.1.1(c) herein, surface drainage patterns shall be maintained adjacent to and within the area disturbed by processing or other attendant uses to prevent surplus accumulation of surface run-off unless otherwise approved by both the Municipality and Alberta Environmental Protection.

5.3 Noise Control

5.3.1 Noise control measures, periodic monitoring, and submission of the reports shall be a condition of the Development Permit pursuant to Section 5.1.1(c) herein.

5.4 Landscaping and Fencing

5.4.1 Landscaping and fencing shall be conditions of the Development Permit including a planting and maintenance program for the purpose of enhancing the visual appearance and security/safety aspect of the development.

5.5 Fire Suppression and Abatement

5.5.1 Fire suppression and abatement measures shall be included as a condition of the Development Permit if required by the Development Authority.

5.6 Access and Haul Routes

5.6.1 Access to the Lands for all purposes shall be designed and constructed in accordance with municipal standards and the conditions of a Development Permit.

5.6.2 As part of a Development Permit application, the Applicant shall submit a Traffic Management Plan satisfactory to the Development Authority which outlines the routes by which trucks servicing the site will be regulated from SH #72 and HWY #9 travelling on the north-south Municipal road allowance.

5.6.3 The Applicant shall enter into a Road Maintenance Agreement with the Municipality to the satisfaction of the Director of Transportation and Field Services prior to the issuance of any Development Permit for the site.

6.0 DEFINITIONS

- 6.1 *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.
- 6.2 *Applicant* - means the registered owner of the land or his or her representative or agent certified as such.
- 6.3 *Council* - means the Council of the Municipal District of Rocky View No. 44.
- 6.4 *Development* - means:
- 6.4.1 any excavation or stockpile and the creation of either of them,
 - 6.4.2 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,
 - 6.4.3 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
 - 6.4.4 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.
- 6.5 *Stormwater Management Plan* - means that Plan prepared and submitted in accordance with Article 3.5.3 of this Bylaw.
- 6.6 Terms not defined herein have the same meaning as defined in Part One, Section 8.0 of Land Use Bylaw C-4841-97.

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7.0 IMPLEMENTATION

- 7.1 This Bylaw comes into effect upon the date of its third reading.
7.2 That Bylaw C-5156-2000 is hereby rescinded.

File: 7133010/11/12

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, April 18th, 2000 on a motion by Councillor Richter.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, May 16th, 2000 on a motion by Councillor Richter.

Third and final reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, May 16th, 2000 on a motion by Councillor Kent.



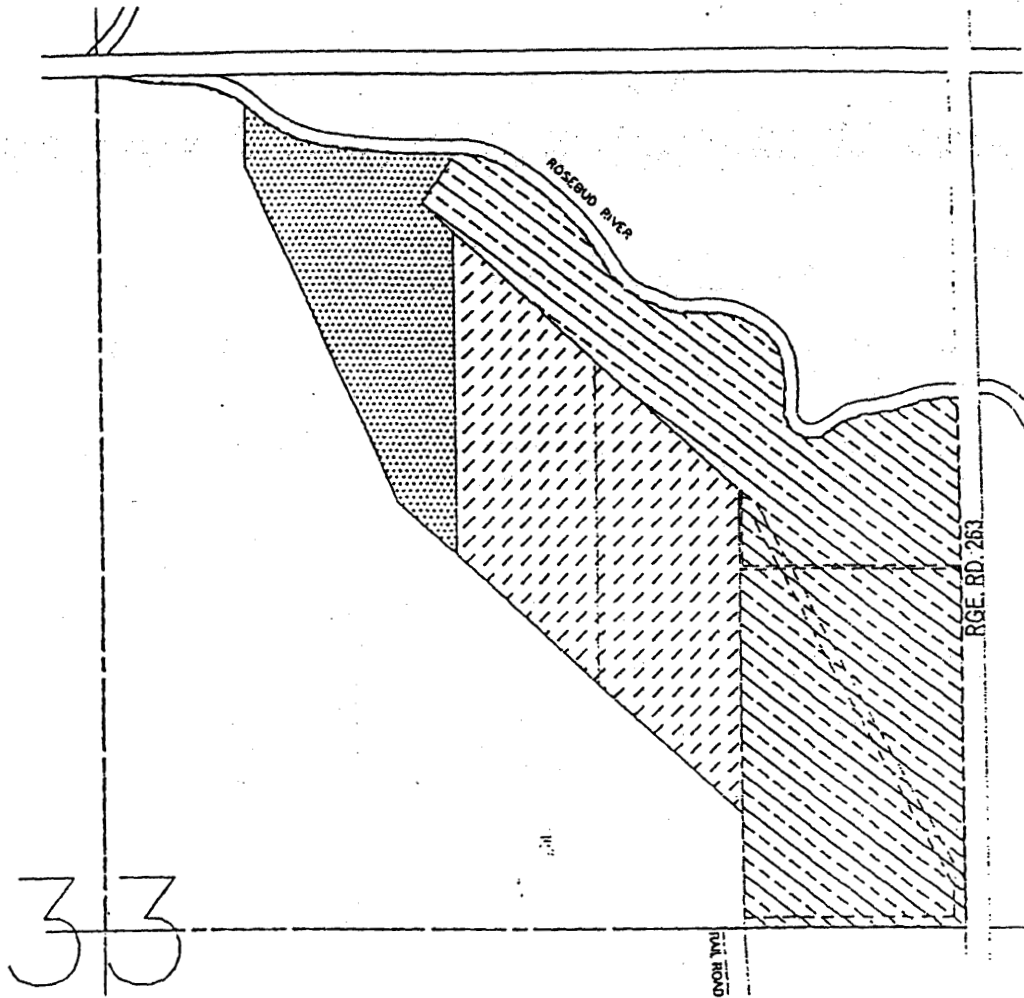
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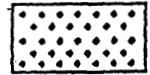
SCHEDULE "A"

BYLAW: C-5204-2000



AMENDMENT

FROM DIRECT CONTROL DISTRICT TO Direct Control District (DC 68)



FROM Direct Control District (DC) TO Direct Control District (DC 68)



FROM Direct Control District (DC) TO Direct Control District (DC 68)
Subject Land - - - - -



LEGAL DESCRIPTION: Block 1, Plan 9010947 and
Lots 1 & 2, Block 1, Plan 9610654 and ptn. NE-33-27-26-W4M

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