

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-6164-2005

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 Part 5, Land Use Map No. 82 of Bylaw C-4841-97 to redesignate SE-01-28-27-W4M from Ranch and Farm District to Direct Control District and Ranch and Farm Two District as shown on Schedule 'A', attached to and forming part of this bylaw; and

WHEREAS a notice was published on Tuesday, October 11, 2005 and Tuesday, October 18, 2005 in the Rocky View Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44, advising of the Public Hearing for Tuesday, November 08, 2005; 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 M-26 of the Revised Statutes of Alberta, 2000, and all amendments thereto.

NOW THEREFORE the Council enacts the following:

1. That Part 5, Land Use Map 82 of the Land Use Bylaw C-4841-97 be amended by redesignating the Lands from Ranch and Farm District to Direct Control District and Ranch & Farm Two District, as shown on Schedule 'A', attached to and forming part of this Bylaw.
2. That the special regulations of the Direct Control District comprise:
 - 1.0.0 General Regulations
 - 2.0.0 Land Use Regulations
 - 3.0.0 Development Regulations
 - 4.0.0 Definitions

1.0.0 GENERAL REGULATIONS

- 1.1.0 For the purposes of this Bylaw, the boundaries and description of the Lands shall be more or less as indicated in Schedule "A", except as otherwise approved by Council.
- 1.2.0 Council shall be responsible for the issuance of Development Permit(s) for the Lands subject to this Bylaw.
- 1.3.0 Parts One, Two, and Three of Land Use Bylaw C-4841-97 are applicable unless otherwise stated in this Bylaw.
- 1.4.0 All development upon Lands shall be in accordance with all plans and specifications submitted pursuant to this Bylaw and in accordance with all licenses, permits and approvals pertaining to the Lands as required by Alberta Environment.
- 1.5.0 Development permits related to the extraction, processing and reclamation of aggregate resources from the lands shall accommodate a five (5) year timeframe from when they are first issued. The extraction, processing and reclamation of aggregate resources may be continued on the lands subject to the terms of a new Development Permit to be considered in accordance with the provisions of this Bylaw.

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-6164-2005**

- 1.6.0 The development phasing of the Lands shall occur in accordance with a Mining Sequence Plan prepared in consultation with and approved by Alberta Environment. Once approved by Alberta Environment, this Plan shall be submitted to the Municipality and adherence to it shall be incorporated as a requirement of a Development Permit issued for the Lands. All licenses, permits and development approvals pertaining to the Lands shall be required prior to the development of each phase of the Lands.
- 1.7.0 The Applicant shall prepare and submit to the Municipality an Annual Operations Report summarizing the state of operations of the development, any community concerns received throughout the course of the year and any relevant information which could affect the continued operation of the development. The 'Annual Operations Report' must be presented to Council no later than 30 days prior to each annual anniversary date of the issuance of the Development Permit(s) for the Lands.

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 and stockpiling of on-site aggregate resources on the Lands and the post-extraction reclamation of the Lands, in accordance with the specified regulations. Notwithstanding the foregoing, neither the processing of aggregate into asphalt (or similar components) nor washing of aggregate shall be permitted on the site.

2.2.0 List of Uses

2.2.1 Fences

2.2.2 General Agriculture

2.2.3 Aggregate Resource Extractive Industry, including:

- a) Aggregate Exploration & Testing
- b) Aggregate Extraction & Removal
- c) Aggregate Processing
- d) Temporary Aggregate Crushing Activities
- e) Aggregate Stockpiles
- f) Reclamation Earthworks
- g) Berms and other Earthworks intended to mitigate and buffer the adverse impacts the extractive processes may have on adjacent lands

2.2.4 Weigh Scale

2.2.5 Temporary Structures

2.2.6 Signs

2.3.0 Minimum Requirements

2.3.1 Minimum *yard, front* setback to operations, including excavations and stockpiles: 30.0 m (98.4 ft.)

2.3.2 Minimum *yard, side* setback to operations, including excavations and stockpiles:

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-6164-2005**

- a) 30.0 m (98.4 ft.) from any *road, municipal*;
- b) 6.0 m (19.7 ft.) abutting NE 1-28-27-W4M

2.3.3 Minimum *yard, rear* setback to operations, including excavations and stockpiles: 15.0 m (49.2 ft.)

2.4.0 Maximum Requirements

2.4.1 Number of Temporary Structures: 1

2.4.2 Area for Temporary Structures: 45 m² (484 ft²)

2.4.3 Height of Temporary Structures/Fence:

- a) Temporary Structures: 8 m (26.2 ft.)
- b) Fence: 3.1 m (10.17 ft.)

3.0.0 DEVELOPMENT REGULATIONS

3.1.0 No Development Permit for any use of the Lands contemplated in Section 2.0.0 of this bylaw shall be issued by Council until the Applicant has submitted the following to the Municipality's Development Authority:

3.1.1 An Application for Development Permit accompanied by the following:

- a) A Key Plan drawn at a scale satisfactory to show the proposed development, indicating the relation to nearby roadways, building sites, structures, waterways and to any topographic feature or landmark which will identify where the development is to be located;
- b) A Site Plan drawn to scale of not less than 1:4000:
 - (i) showing 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 the Approving Authority, 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 includes phasing;
 - (iii) plotted thereon any building or dwelling or other structure presently erected on the site or sites or within a distance of 800 meters (2,624.7 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 meters (3.28 feet) 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 Approving Authority;
 - (ii) 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

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-6164-2005**

Approving Authority for the issuance of a Development Permit for a period of time as specified in such 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 payment and/or construction by the Applicant for same;
 - (iv) 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) A set of *Profiles and/or Cross-Sections* of the portion 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 Plan* showing the method intended to be used for the excavation and/or processing of materials contained on the Land, and the equipment to be used in conjunction therewith;
- f) A *Project Timeline* detailing anticipated timelines of proposed excavation, processing, backfilling, terracing and/or leveling;
- g) A *Mitigation Plan* outline of the projected method of controlling any adverse effects resulting from noise, dust, or drainage from or into the excavation, access and municipal roads and adjacent lands, including baseline or benchmark data against which future measurements and analysis can be compared;
- 3.1.2 A *Traffic Impact Analysis*, to be completed by a qualified professional engineer licensed to practice in the Province of Alberta, which defines all necessary road improvements required in support of the development, estimates costs necessary to implement said improvements, and provides recommendations concerning any mitigation measures necessary to address any negative impacts on the local and regional transportation network in order to maintain a high standard of safety.
- 3.1.3 A *Storm Water Management Plan*, to be completed by a qualified professional engineer licensed to practice in the Province of Alberta, which demonstrates the manner in which stormwater will be retained on site and will not adversely impact the regional surface drainage patterns. This Plan will indicate how surface drainage will 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, to the satisfaction of the Municipality and Alberta Environment.
- 3.1.4 An *Erosion Control Plan* detailing measures necessary to be undertaken in accordance with the Stormwater Management Plan prepared in Section 3.1.3.
- 3.1.5 A *Servicing Plan* detailing anticipated methods of providing potable water and wastewater treatment and disposal (if required) in accordance with all relevant Municipal and Provincial requirements.
- 3.1.6 A *Reclamation Plan* showing each phase of development of the Lands in form and substance satisfactory to the Municipality and Alberta Environment showing a description of the method(s) and type of materials to be used for backfilling or terracing the excavation and for leveling or restoring the surface of the Lands and a description of 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;

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-6164-2005

- 3.1.7 Confirmation of *Alberta Environment Approval* for a gravel extractive uses issued in accordance with the *Conservation & Reclamation Regulation* under the *Environmental Protection and Enhancement Act*, or equivalent;
- 3.1.8 A *Dust Control Plan* detailing measures to be undertaken to limit the off-site migration of dust generated by the development within the Lands; and
- 3.1.9 A *Noise Control Plan* measures to be undertaken to periodically monitor noises generated during operation of the development in comparison with baseline measurements recorded as a required by Section 3.1.1(g).

3.2.0 Terms of Operation

- 3.2.1 The hours of operation of the gravel pit shall be from 7:00 am to 9:00 pm, Mondays - Saturdays. In no case, will operations be permitted on Sundays or Statutory Holidays.
- 3.2.2 Temporary Aggregate Crushing may occur within the site between October 1st and April 30th for a period not exceeding six (6) consecutive weeks. The Applicant must provide the Municipality written correspondence, at least fourteen (14) days prior, giving notice of the start and completion dates for Temporary Aggregate Crushing activities. Once initiated, the Applicant must complete all Temporary Aggregate Crushing activities within six (6) weeks, with no opportunity to extend or defer this period. Notwithstanding Section 3.2.1, Temporary Aggregate Crushing activities may occur without hourly and/or daily operational restrictions.
- 3.2.3 Access and egress to the Lands by gravel hauling trucks and construction equipment shall be from 7:00 am to 9:00 pm Mondays - Saturdays. No access or egress shall be permitted by gravel hauling trucks and/or construction equipment on Sundays or Statutory Holidays.
- 3.2.4 During non-operational hours, access and egress to the Lands shall be secured by a locked gate at all times.

3.3.0 Landscaping & Berming

- 3.3.1 Landscaping & berming shall be a condition of the Development Permit. The planting, construction and maintenance program, and the terms and responsibilities for same, shall be established in the Development Permit.
- 3.3.2 All berms, overburden stockpiles and similar earthworks shall be seeded to grass (or such other process or materials to the satisfaction of Council) and watered, as required, to ensure a healthy ground cover is established within 30 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 control.
- 3.3.3 Storage of the removed overburden will be managed and maintained by the Applicant on an ongoing basis in a manner which minimizes massing and maximizes visual relief of the mining activity.

3.4.0 Fire Suppression and Abatement

- 3.4.1 Fire suppression and abatement measures will be provided to the satisfaction of Council.

3.5.0 Access and Haul Roads

- 3.5.1 Access to the Lands shall be from Range Road 270, via Township Road 280.
- 3.5.2 The Applicant shall enter into a *Development Agreement* with the Municipality to address the design and construction of any required transportation infrastructure as identified in the Traffic

MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44
BYLAW C-6164-2005

Impact Assessment necessary to support the development, at their sole expense, to the satisfaction of the Municipality, in accordance with the Servicing Standards for Subdivisions and Road Construction as approved by Council on June 1, 1999, as amended.

3.5.3 As required by Section 1.7.0, the Applicant’s *Annual Operations Report* shall include a summary detailing the activities of all trucking contractors and/or Applicant’s employees with regards to their usage of municipal roads for hauling aggregate. This report will detail the methods the Applicant has employed to address community concerns.

4.0.0 DEFINITIONS

- 4.1 Adjacent land - means a title of land that is contiguous to the lands and includes land that would be contiguous if not for a public roadway, river or stream, or Municipal Reserve.
- 4.2 Applicant - means the person(s) or company(ies) that own or have a right to own all of the lands or his or her representative certified as such.
- 4.3 All words and uses not defined in this section shall be defined as per Section 8 of Bylaw C4841-97.

5.0.0 IMPLEMENTATION

5.1.0 The bylaw comes into effect upon the date of its third reading.

Division: 6

File: 08201001 2005-RV-144

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, October 4, 2005, on a motion by Councilor Boehlke.

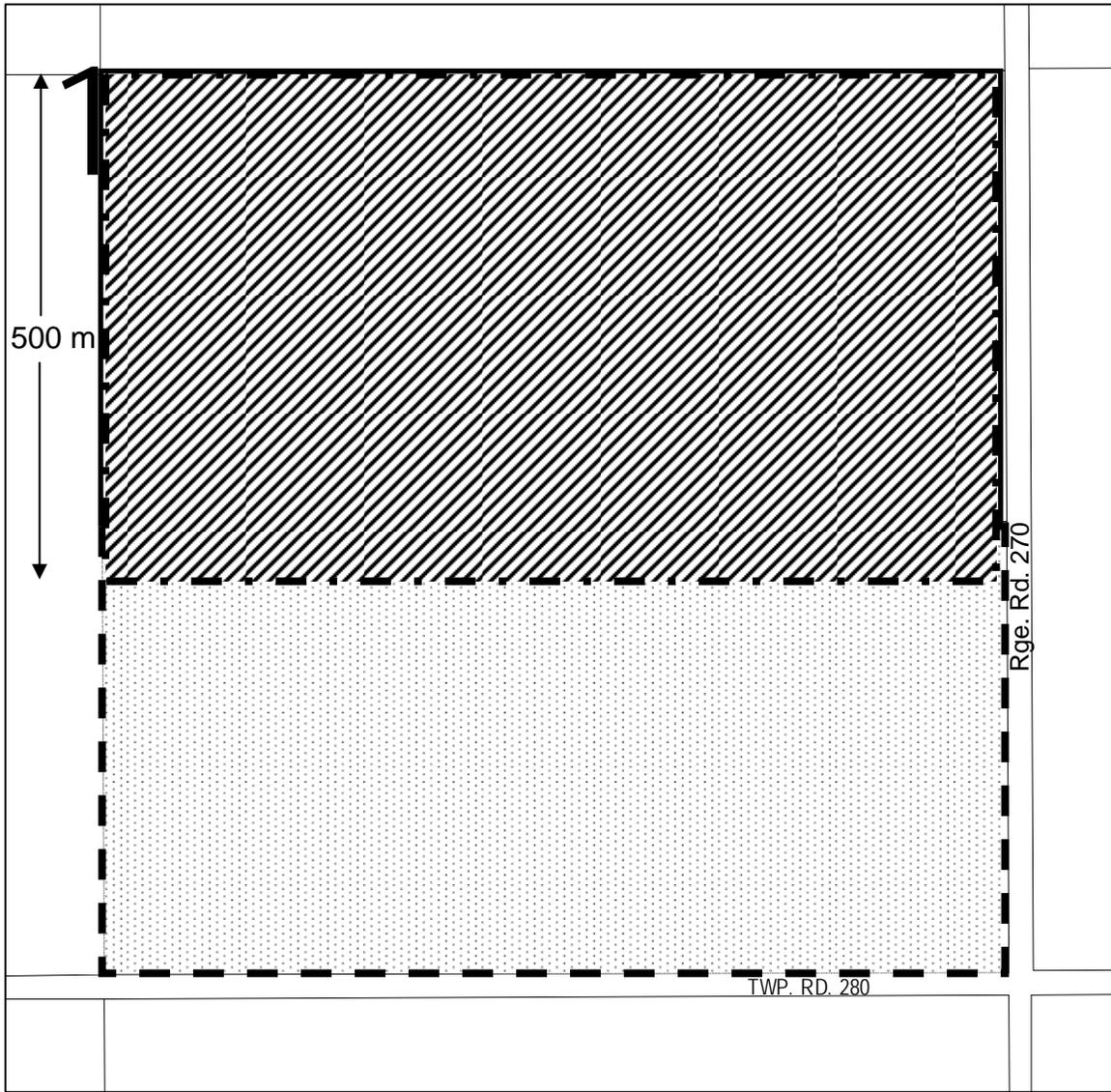
Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, April 24, 2007, on a motion by Councilor Boehlke.

Third and final reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, April 24, 2007, on a motion by Councilor Branson.

REEVE OR DEPUTY REEVE

MUNICIPAL SECRETARY

SCHEDULE "A"
REVISED
BYLAW: C-6164-2005



AMENDMENT

FROM Ranch and Farm District TO Direct Control District

FROM Ranch and Farm District TO Ranch and Farm Two District



Subject Land - - - - -



LEGAL DESCRIPTION: SE-01-28-27-W04M

FILE: 08201001-2005-RV-144

DIVISION: 06

