

**MUNICIPAL DISTRICT OF ROCKY VIEW NO. 44  
BYLAW C-6632-2008**

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. 85 of Bylaw C-4841-97 to redesignate a portion of NW 13-28-1-W5M from Ranch and Farm District to Direct Control District as shown on Schedule 'A', attached to and forming part of this Bylaw; and

**WHEREAS** a notice was published on Tuesday, April 22, 2008 and Tuesday, April 29, 2008 in the Rocky View Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44, advising of the Public Hearing for Tuesday, May 27, 2008; 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 Land Use Bylaw C-4841-97 be amended by redesignating a portion of the lands from Ranch and Farm District to Direct Control District.
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
  - 5.0.0 Implementation

**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 identified in Schedule 'A' attached hereto and forming part of this Bylaw, except as otherwise approved by Council.
- 1.2.0 The Operative and Interpretative Clauses (Part One), General Administration (Part Two) and General Regulations (Part Three) as contained in the Land Use Bylaw C-4841-97 shall apply unless otherwise specified in this bylaw.
- 1.3.0 All *development* upon the *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* required to be obtained from Alberta Environment (AENV) and the Alberta Utilities Commission (AUC).
- 1.4.0 Excepting Agriculture, General, uses contained in Section 2 of this Bylaw shall require a Development Permit.
- 1.5.0 The Development Authority shall be responsible for the issuance of Development Permit(s) for the lands subject to this Bylaw.

- 1.6.0 Proposals for uses and subdivision beyond that provided by this Bylaw shall require an amendment to this Bylaw.

## **2.0.0 LAND USE REGULATIONS**

### **2.1.0 Purpose and Intent**

The purpose and intent of this District is to provide for the construction and operation of a peak-power 120 MW Simple-Cycle Natural Gas Fired Power Generation Facility, with associated equipment and facilities.

### **2.2.0 List of Uses**

- 2.2.1 Agriculture, General
- 2.2.2 Accessory Buildings
- 2.2.3 Natural gas fired Simple-Cycle Power Plant
- 2.2.4 Signs

### **2.3.0 Minimum Requirements**

- 2.3.1 Minimum yard setback from buildings and structures to the north and south boundary of Direct Control Bylaw: 15m.
- 2.3.2 Minimum yard setback from buildings and structures to the west and east boundary of Direct Control Bylaw 15m.
- 2.3.3 Minimum parcel size: 14.5 acres

### **2.4.0 Maximum Requirements**

- 2.4.1 Maximum Facility Capacities
  - a) Plant – 120 MW (nominal)
- 2.4.2 Maximum Height of Buildings/Structures
  - a) Power Plant and associated structures – 15 meters (49.2 ft)
  - b) Exhaust Stacks – 32 m (105 ft)
  - c) Substation Structures – 32m (105 ft)
  - d) Accessory Buildings – 15m (49.2 ft)
  - e) Fence - 3 m (9.8 ft)

## **3.0.0 DEVELOPMENT REGULATIONS**

### **3.1.0 Development Permit Application Requirements**

3.1.1 An application for a Development Permit for the development of a *natural gas fired simple cycle power plant* shall be accompanied by the following information, (in addition to the requirements in Section 11 of the Land Use Bylaw) to the satisfaction of the Development Authority:

- a) The *Applicant* has submitted evidence that all necessary licenses, permits and approvals required from the AUC, and AENV pertaining to development of the *Lands* have been obtained;

## 3.2.0 Development Permit Regulations

3.2.1 Development Permits for any use of the *Lands* contemplated in Section 2.0.0 of this bylaw will be issued by the Development Authority upon satisfactory resolution of the following considerations:

a) Servicing

- i. Potable Water for a drinking water source is to be supplied in accordance with the Guidelines for Canadian Drinking Water Quality, Health Canada. No ground water will be used as a source of potable water.
- ii. Process Water for use in plant operations is to be supplied in accordance with AENV. No ground water will be used as a source for process water.
- iii. Septic Services – a self-contained washroom facility is to be provided and vacuum pumped out periodically by a licensed hauler.
- iv. Stormwater - The Owner is to provide a Stormwater Management Plan, prepared by a Qualified Professional licensed to practice in the Province of Alberta, in accordance with the M.D. of Rocky View Servicing Standards for Subdivision and Road Construction, as amended. Stormwater Management and Design must demonstrate adherence to the Nose Creek Watershed Management Plan. The Owner is to provide for the implementation of the recommendations of the Stormwater Management Plan and the registration of any overland drainage easements and/or restrictive covenants as determined by the Stormwater Management Plan, prior to the stripping and grading of any portion of the site, all to the satisfaction of the Municipality.

b) Access

The Applicant has satisfied site access requirements, to the satisfaction of Alberta Infrastructure and Transportation and the Municipality.

c) Construction Management

The *Applicant* shall submit a *Construction Management Plan* in form and substance satisfactory to the Municipality, which details, amongst other items, hours of operation, erosion, sedimentation, dust monitoring and emergency contact information, to the satisfaction of the Municipality.

d) Chemical and Waste Storage

No *development* of the *Lands* shall be permitted without and until the *Applicant* has prepared and submitted a Management Plan in form and substance satisfactory to the Municipality, for the handling and storage of hazardous or other waste materials proposed to be either generated from the *development* or brought on site.

e) Landscaping

- i. The Applicant has submitted a Landscaping Plan, as prepared by a Qualified Professional. The Landscaping Plan shall include the following:

- (a) boundaries and dimensions of the subject site;
  - (b) site structures, parking areas, driveways and entrances;
  - (c) location of all exterior lights on the site and their projected light patterns in relation to adjacent public roadways and residences;
  - (d) location of new plant materials;
  - (e) plant material list identifying the name, quantity and size of plant material;
  - (f) all other proposed physical features, including berms, slopes, screening, fences, lighting, etc.
  - (g) Identify the methods of irrigation and maintenance of landscaped areas, to the satisfaction of the Municipality.
- ii. Include a minimum of 5% of the site area for landscaping purposes – including a 5m wide landscaping buffer around the perimeter of the site, which may include berming, fencing, planting materials, or other screening provisions.
- iii. Trees and shrubs to be planted shall be hardy to the Calgary Region, and shall conform to the following criteria:
- (a) evergreen shrubs shall be at least 40cm in height when planted, and deciduous shrubs shall be at least 60cm in height when planted.
  - (b) trees shall be at least 4.5cm caliper for deciduous trees and at least 2m in height for evergreen trees.
- iv. The number of trees and shrubs to be planted on site, will be proposed by the Qualified Professional, will consider regulatory requirements with respect to planting of vegetation around a Power Plant, and will be satisfactory to the Development Authority.
- v. As a condition of a Development Permit, an Irrevocable Letter of Credit may be required, up to a value of 150% of the estimated cost of landscaping not yet complete, to ensure that such landscaping is carried out with reasonable diligence. The condition of security being that:
- (a) Occupancy (plant operation) is being requested prior to completion of the landscaping requirements.
  - (b) The Letter of Credit is to be released upon completion of landscaping, at the discretion of the Development Authority.
  - (c) The Landscaping shall be completed within one year of occupancy.
  - (d) If landscaping is not completed within one year of occupancy, the Municipality may use the security to complete the approved landscaping development.
- vi. Landscaping is to be maintained over the life of the development, and any deceased vegetation will be replaced within 30 days or before June 30 of the next growing season.

f) Site Lighting

All outdoor lighting shall be in accordance with the Land Use Bylaw provisions – Section 27, Lighting of Sites/Developments.

g) Emergency Response Plan

The *Applicant* has submitted an Emergency Response Plan completed by a *Qualified Professional*, which details, among other things, response procedures for spill control, gas releases, mechanical/structural failures and fire, to the satisfaction of the Municipality;

## 4.0.0 DEFINITIONS

4.1.0 *Construction Management Plan* means:

a program of activities that details the site management of all construction activity including, but not limited to, the management of construction debris and dust, erosion, sedimentation and noise.

4.2.0 *Natural Gas Fired Simple Cycle Power Plant* – means:

a 120 Mega watt (nominal) peak-generation power plant and related facilities and equipment designed to generate electrical power for sale. The plant and related facilities and equipment may include the following:

- a) gas turbine generators (GTG's) (three nominal 40MW gas turbine generators with dry low emission systems and inlet evaporative cooling
- b) substation / switchyard
- c) electrical transmission towers
- d) transmission lines connecting the substation to the Altalink transmission facility
- e) maintenance services lay down area
- f) make-up water supply tank
- g) appurtenances that connect the above facilities and equipment
- h) electrical controls building
- i) utility and mechanical equipment building
- j) reciprocating engine
- k) air-cooled lube oil cooler
- l) treated water storage tank
- m) raw water storage tank
- n) chemical storage tank
- o) spare parts storage building
- p) water treatment trailer enclosure
- q) other structures or facilities directly associated with the operation of the plant.

4.3.0 *Qualified Professional* means:

an individual with specialized knowledge recognized by the Municipality and/or licensed to practice in the Province of Alberta. Examples of qualified professionals include, but are not limited to agrologists, engineers, geologists, hydrologists and surveyors.

4.4.0 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 This Bylaw comes into effect upon its third reading.

**Division: 6**  
**File: 08513003-2007-RV-511**

First reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, April 15, 2008, on a motion by Deputy Reeve Boehlke.

Second reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, June 10, 2008 on a motion by Deputy Reeve Boehlke.

Third reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on Tuesday, June 10, 2008, on a motion by Councillor Rheubottom.

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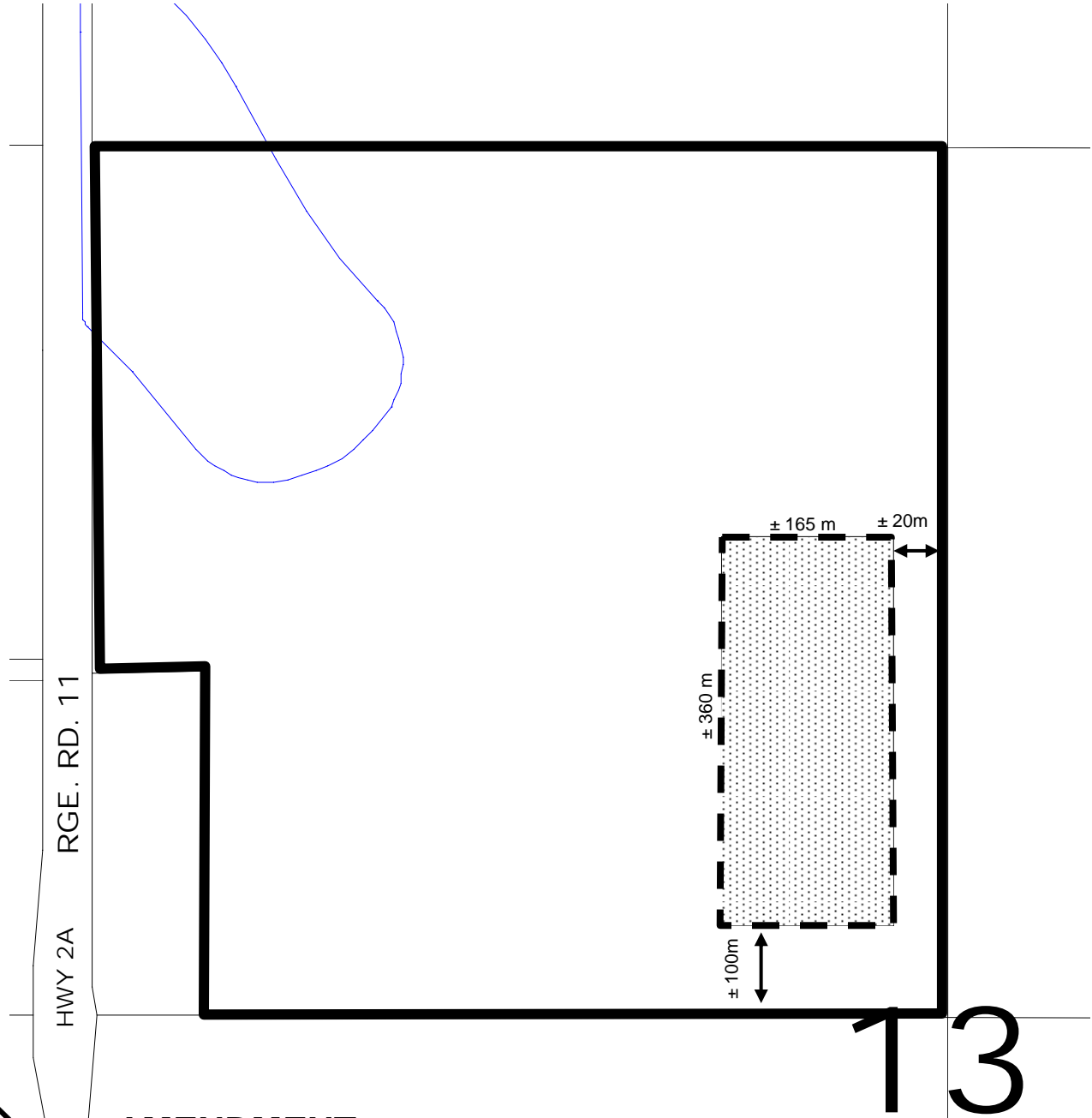
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MUNICIPAL SECRETARY

SCHEDULE "A"

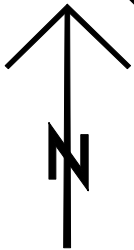
BYLAW: C-6632-2008



**AMENDMENT**

FROM Ranch and Farm District TO Direct Control District

Subject Land \_\_\_\_\_



LEGAL DESCRIPTION: A portion of NW 13-28-1-W5M

FILE: 08513003-2007-RV-511

DIVISION: 6

