

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

- WHEREAS** the Council of the Municipal District of Rocky View No. 44 has received an application to amend Part Five, Land Use Maps No. 43 and 43SW of Bylaw C-4841-97 to redesignate portions of the SW ¼ -5-24-28-W4M from Ranch and Farm District to Direct Control District,
- WHEREAS** the *Applicant* has applied for (Application No. 2001113) and received approval from the Alberta Energy and Utility Board (EUB) (Decision 2001-101),
- WHEREAS** it is necessary for Council to amend the Land Use Bylaw C-4841-97 in order to give effect to the above approval,
- WHEREAS** a notice was published on January 29, 2002 and February 5, 2002 in the Rocky View Five Village Weekly, a newspaper circulating in the Municipal District of Rocky View No. 44 advising of the Public Hearing for February 13 & 14, 2002; and
- WHEREAS** Council held a Public Hearing and have given consideration to the representation 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. That Part Five, Land Use Maps No. 43 and 43SW of Bylaw C-4841-97 be amended by redesignating portions of the SW ¼ -5-24-28-W4M from Ranch and Farm District to Direct Control District, as shown on the attached Schedule "A", forming part of this Bylaw. (the *Lands*)
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 That this bylaw shall be generally known as DC-78, as shown in Part 5 of the Land Use Bylaw C-4841-97, on Land Use Map No. 75.
- 1.2.0 The 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 Energy and Utilities Board (EUB).

- 1.4.0 The *Applicant* shall prepare and submit to the Development Authority for the duration of the operation, Annual Operations Reports detailing regular and periodic noise monitoring as per 3.6.1 and annual monitoring of ground water chemistry, levels and rates and directions of flow, and any additional information which the Development Authority, having regard to the EUB decision and acting reasonably, may request. The Annual Operations Report shall be submitted 30 days prior to each annual anniversary date of the issuance of the Development Permit(s) for the site and may be referred to Council for its information or review.

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 525 MW nominal, 580 MW peak natural gas fired combined cycle power plant.

2.2.0 List of Uses

- 2.2.1 Fences
- 2.2.2 Extensive Agricultural Pursuits
- 2.2.3 Landscaping
- 2.2.4 Natural gas fired combined cycle power plant
- 2.2.5 Chemical storage facilities
- 2.2.6 Water storage facilities
- 2.2.7 Stormwater management pond and related facilities
- 2.2.8 Accessory Buildings less than 700 sq. m. (2296.6 sq. ft.)
- 2.2.9 Office
- 2.2.10 Signs
- 2.2.11 Roadways, Utility Services and Parking lots
- 2.2.12 Temporary Construction Office building(s)

2.3.0 List of Discretionary Uses

2.4.0 Minimum Requirements

- 2.4.1 Minimum yard setback to operations from the south property boundary, except for transmission towers or lines, retention pond, internal roads and signs: - 30.0 m (98.4 ft.)
- 2.4.2 Minimum yard setback to operations from the east property line,: - 76 m (249.3 ft.)
- 2.4.3 Minimum yard setback to operations from the east boundary of transmission line right of way 2173 JK except for transmission tower or lines or cooling towers or access roadways – 32 m (105.0 ft)
- 2.4.4 Minimum yard setback to operations from the north property line,: - 56 m (183.7 ft.)

- 2.4.5 Transmission Towers and Lines
 - a) 10 m (32.8 ft.) from any road, municipal except at crossings
- 2.4.6 Cooling Towers
 - a) 225.0 m (738.2 ft.) from RGE RD 285
 - b) 300.0 m (984.5 ft.) from TWP RD 240
- 2.4.7 Signs
 - a) 1 m (3.28 ft.) from all property lines
- 2.4.8 Notwithstanding the above setbacks, construction materials and equipment may be stored within setbacks from all property lines during the construction of the plant.

2.5.0 Maximum Requirements

- 2.5.1 Maximum Facility Capacities
 - a) Plant – 580 MW (maximum)
 - b) Steam turbine generators (STG's) – 116 MW each
 - c) Gas turbine generators – 190 MW each
- 2.5.2 Combined area for all permanent buildings and structures – 30,000 sq. m.
- 2.5.3 Height of Buildings/Structures
 - a) Maximum – 10 metres (32.8 ft.) except where noted
 - b) Powerhouse Building – 30 m (98.4 ft.)
 - c) Cooling Towers – 20 m (65.6 ft)
 - d) Heat Recovery Steam Generator (HRSG) Exhaust Stacks – 45 m (147.6 ft)
 - e) Simple Cycle Bypass Stacks – 37 m (121.4 ft)
 - f) Heat Recovery Steam Generators (HRSG) – 30 m (98.4 ft)
 - g) General Services Building – 15 m (49.2 ft)
 - h) Transmission Towers – 36 m (118.1 ft)
- 2.5.4 Height of Fence: 5 m (16.4 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 the Development Authority until:
 - 3.1.1 An application for a Development Permit for the *development* of a *natural gas fired combined cycle power plant* has been submitted in such reasonable quantities as may be required by the Development Authority and shall be accompanied by the following information, to the satisfaction of the Development Authority:
 - a) a key plan drawn to scale satisfactory to the Development Authority 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 to be located and ;
 - 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 meter (3.28 ft) throughout the site;
 - ii the specific location of any and all buildings or structures and or other attendant *development* related to the power plant and its operation;
 - 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 by the *Applicant* of same;
 - c) an outline of the projected method of controlling or mitigating any adverse effects resulting from noise or dust from the operation, including the submission of baseline data against which future measurements and analysis can be compared.
- 3.1.2 The *Applicant* has prepared a traffic impact report (Traffic Impact Analysis) for the entire *development* satisfactory to the Municipality and, in relation to any proposed improvements that impact lands within the City of Calgary, to the satisfaction of the City of Calgary. This Traffic Impact Analysis will define all improvements, including costs, required to reasonably mitigate any negative impacts on the transportation network and to secure standards of safety of the M.D. of Rocky View and the City of Calgary (where applicable) in the area of the development.
- 3.1.3 The *Applicant* has entered into a Development Agreement with the M.D of Rocky View to complete all road improvements recommended in the Traffic Impact Analysis at his/her sole expense;
- 3.1.4 The *Applicant* has submitted a hydrogeological study prepared by a *Qualified Professional*, that is satisfactory in both form and substance to the Municipality and AENV and establishes baseline well data for the *Lands* and *adjacent lands* where access has been permitted (Refusal of access must be documented to the satisfaction of the Development Authority), existing groundwater chemistry, and the rate and direction of groundwater flow. The study will also contain a groundwater monitoring plan which covers the entire period of operation;
- 3.1.5 The *Applicant* has submitted evidence that all necessary licenses, permits and approvals required from AENV, the EUB, the Alberta Transmission Administrator, and the City of Calgary pertaining to the *Lands* have been obtained; and
- 3.1.6 The *Applicant* has submitted an Emergency Response Plan completed by a *Qualified Professional*, which details, among other things, response procedures for spill control, ammonia releases, gas releases, mechanical/structural failures and fire, to the satisfaction of the Municipality and the EUB;
- 3.2.0 Construction Management
- 3.2.1 The *Applicant* shall submit a *Construction Management Plan* completed by a *Qualified Professional* licensed to practice in the

Province of Alberta, in form and substance satisfactory to the Municipality, which details, amongst other items, hours of operation and erosion, sedimentation, dust monitoring at regularly scheduled intervals during construction and for a period of six (6) months following initial start-up of operations, and noise control measures, to the satisfaction of the Municipality. The Construction Management Plan shall include a Traffic Management Policy relating to the supervision of the *Applicant's* contractors and employees and their use of municipal roads during the construction phase of the operation. This report shall detail methods the *Applicant* will employ to address complaints from the Community.

3.2.2 The *Applicant* shall enter into a Road Maintenance Agreement with the Municipality, over the life of the construction phase of the operation, to the satisfaction of the Director of Transportation and Field Services, prior to the issuance of any Development Permit for the *Lands*.

3.3.0 Access and Construction Access Roads

3.3.1 Primary access to the site will be from TWP RD 240.

3.3.2 A secondary means of access for emergency, construction and general plant operations purposes will be developed and maintained from RGE RD 285.

3.3.3 The designated construction access route shall be along 84th Street and then along TWP RD 240, between 84th Street and the project site. Construction and plant operations traffic will use the secondary access on RGE RD 285 if transmission line heights restrict access to the site from TWP RD 240.

3.4.0 Servicing

3.4.1 No development of the *Lands* for any use contemplated in Section 2.0.0 of this bylaw shall be permitted and no Development Permits shall be issued until:

- a) The *Applicant* has prepared a Storm Water Management Plan, completed by a *Qualified Professional*, that is satisfactory to both the Municipality and AENV which demonstrates the manner in which stormwater will be retained on site and will not adversely impact the quality of stormwater which currently leaves the site.
- b) The *Applicant* has entered into a servicing agreement with the City of Calgary for a water supply of recycled waste water from the Bonnybrook Sewage Treatment Plant.
- c) Potable water services are supplied in accordance with the Public Health Act and AENV, respectively. No ground water will be used for either plant operations or as a source of potable water.
- d) The *Applicant* has entered into a servicing agreement with the City of Calgary for disposal of sanitary sewage, including discharge water from power production, into the sewer system of the City of Calgary.

3.4.2 Erosion control measures shall be undertaken in accordance with the Stormwater Management Plan required in Section 3.4.1.

3.5.0 Dust Control

3.5.1 Dust control measures including submission of baseline measurements as in 3.1.1(c) shall be a condition of the Development Permit and the standards and responsibilities respecting same shall be established in the Development Permit.

3.6.0 Noise Control

3.6.1 Noise control measures including submission of baseline measurements as in 3.1.1(c) and periodic monitoring shall be a condition of the Development Permit and the standards and responsibilities respecting same shall be established in the Development Permit and shall conform to the EUB Noise Control Directive (ID 99-8).

3.7.0 Chemical Storage

3.7.1 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 both the Municipality and AENV, for the handling and storage of hazardous or other waste materials proposed to be either generated from the *development* or brought on site.

3.8.0 Waste Disposal

3.8.1 All chemical and hazardous waste, including oil products used in the production of power, shall be stored in drums and containers, as appropriate, and removed from the site to commercial disposal facilities.

3.8.2 All remaining refuse and waste materials shall be stored in weatherproof and animal-proof containers, screened from the view of adjacent properties and public thoroughfares, until it is removed to appropriate landfill facilities.

3.9.0 Landscaping

3.9.1 Landscaping shall be in accordance with a Landscaping Plan as prepared by a *Qualified Professional* and submitted with an application for a Development permit. The Landscaping Plan shall identify the location and extent of landscaping areas, the plant material proposed and the methods of irrigation and maintenance of landscaped areas.

3.10.0 Reclamation

3.10.1 The *Applicant* shall submit a Conservation and Reclamation Plan, in form and substance satisfactory to the Municipality, relating to minimizing and mitigating disturbance to soil and vegetation, salvaging surface and organic materials for use in reclamation, controlling wind and water erosion, effectively handling surface materials to ensure stability and prevent wind and water erosion, re-establishing surface drainage patterns and revegetating the land following plant decommissioning.

3.10.2 As a condition of the Development Permit, storage of removed overburden for final reclamation purposes will be managed and maintained by the *Applicant* on an ongoing basis.

4.0.0 DEFINITIONS

4.1.0 *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.

4.2.0 *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.

4.3.0 *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.

4.4.0 *Development* - means:

- a) any excavation or stockpile and the creation of either of them, a building or an addition to, or replacement, or repair of a building and construction of placing in, on, over or under land or any of them;
- b) a change of use of land or a building or an act done in relations to land or a building that results in or is likely to result in change in the use of the land or building; or,
- c) a change in the intensity of 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 change in the intensity of use of the land or building.

4.5.0 *Lands* – means:

those portions of the SW ¼ -5-24-28-W4M, as shown on the attached Schedule "A", forming part of this Bylaw

4.6.0 *Natural Gas Fired Combined Cycle Power Plant* –means:

a plant and related facilities and equipment designed to generate electrical power for sale. The plant and related facilities and equipment includes the following:

- a) steam turbine generators (STG's)
- b) gas turbine generators (GTG's)
- c) power house rotor pull area
- d) diesel fire pump building
- e) heat recovery steam generator electrical buildings
- f) fire water pump building
- g) general services/administration building
- h) heat recovery steam generators (HRSG's)
- i) heat recovery steam generator exhaust stacks
- j) by-pass stacks
- k) generator step-up transformers
- l) substation/switchyard
- m) electrical transmission towers
- n) maintenance services lay down area

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BYLAW C-5599-2002**

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- o) circulating water treatment area
- p) make-up water supply tank
- q) cooling tower
- r) cooling tower pump pit
- s) appurtenances that connect the above facilities and equipment

4.7.0 *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, agronomists, engineers, geologists, hydrologists and surveyors.

4.8.0 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.

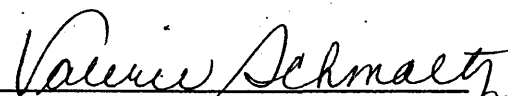
First Reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on July 16, 2002, on a motion by Councillor Habberfield.

Second Reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on July 16, 2002, on a motion by Councillor Schule.

That permission for third and final reading be passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on a motion by Councillor Kent.

Third Reading passed in open Council, assembled in the City of Calgary, in the Province of Alberta, on July 16, 2002, on a motion by Councillor Habberfield.

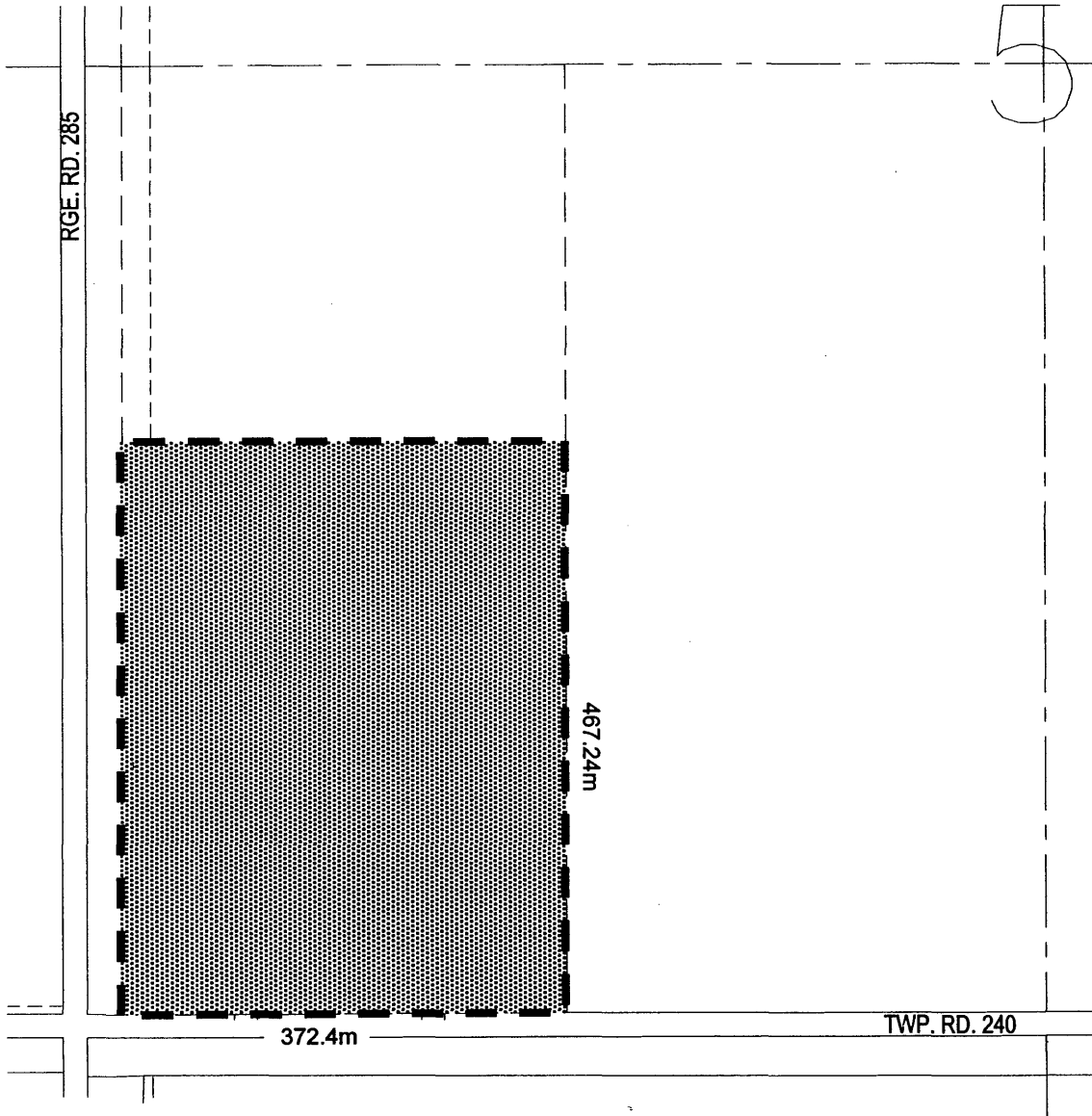

REEVE OR DEPUTY REEVE


MUNICIPAL SECRETARY

SCHEDULE "A"

DC-78

BYLAW: C-5599-2002



AMENDMENT

FROM Ranch and Farm District TO Direct Control District



Subject Land - - - - -



LEGAL DESCRIPTION: A portion of the
SW-5-24-28-W4M

FILE: 04305005 -- 2001012

