

ROSYTH AREA STRUCTURE PLAN



Municipal District of Provost No. 52



June 25th, 2009

BYLAW 2200

OF THE MUNICIPAL DISTRICT OF PROVOST NO. 52

Being a Bylaw to Adopt the Rosyth Area Structure Plan

WHEREAS The Council of the Municipal District of Provost No. 52 considers it necessary to adopt, in accordance with Sections 633 and 636 of the Municipal Government Act, the Rosyth Area Structure Plan, being Bylaw No. 2200, to specify policy and regulatory direction for the lands containing and surrounding the Terminal Area located in the extreme northwest corner of the Municipal District in the vicinity of Rosyth;

AND WHEREAS The Council of Municipal District of Provost No. 52 deems it advisable to adopt the Rosyth Area Structure Plan, being Bylaw No. 2200, to refine and further specify the general policy direction applicable to this area in the Municipal District of Provost No. 52 Municipal Development Plan, being Bylaw No. 2132, and amendments thereto;

AND WHEREAS The Council of Municipal District of Provost No. 52 deems it advisable to adopt the Rosyth Area Structure Plan, being Bylaw No. 2200, so that it clearly and effectively serves as a basis for required amendments to the Municipal District of Provost No. 52 Land Use Bylaw, being Bylaw No. 2157, and amendments thereto, including the application of a specifically tailored direct control land use district tied directly to the provisions of the Rosyth Area Structure Plan.

NOW THEREFORE Under the authority of the Municipal Government Act, the Council of Municipal District of Provost No. 52, in the Province of Alberta, duly assembled enacts as follows:

1. That Bylaw No. 2200, being the Rosyth Area Structure Plan, be adopted.
2. Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall be maintained.
3. That this Bylaw becomes effective upon the date of the final passing thereof.

Read a first time this 26th day of March, 2009

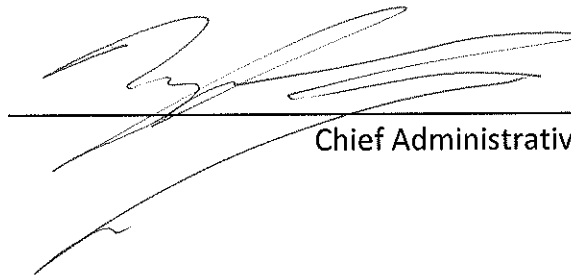
Public Hearing on the 11th day of June, 2009 held in the Council Chambers of the Municipal District of Provost No. 52

Read a second time this 11th day of June, 2009

Read a third time and finally passed, this 25th day of June, 2009



Reeve



Chief Administrative Officer

Endorsed this _____ day of _____, 2009 by Alberta Transportation for the purposes of the Municipal Government Act Subdivision and Development Regulation, and amendments thereto

Alberta Transportation

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1. INTRODUCTION

a) Plan Purpose

The purpose of the Rosyth Area Structure Plan (ASP) is to create a municipal planning policy and regulatory framework under which the large-scale storage and transmission of petroleum and associated materials within the Plan Area – see Figure 1 below - can continue to operate, develop and expand over the long term unobstructed by adjacent land uses and under which compatible adjacent land uses can continue to develop and operate over the long term unimpeded by the storage and transmission of petroleum and associated materials.

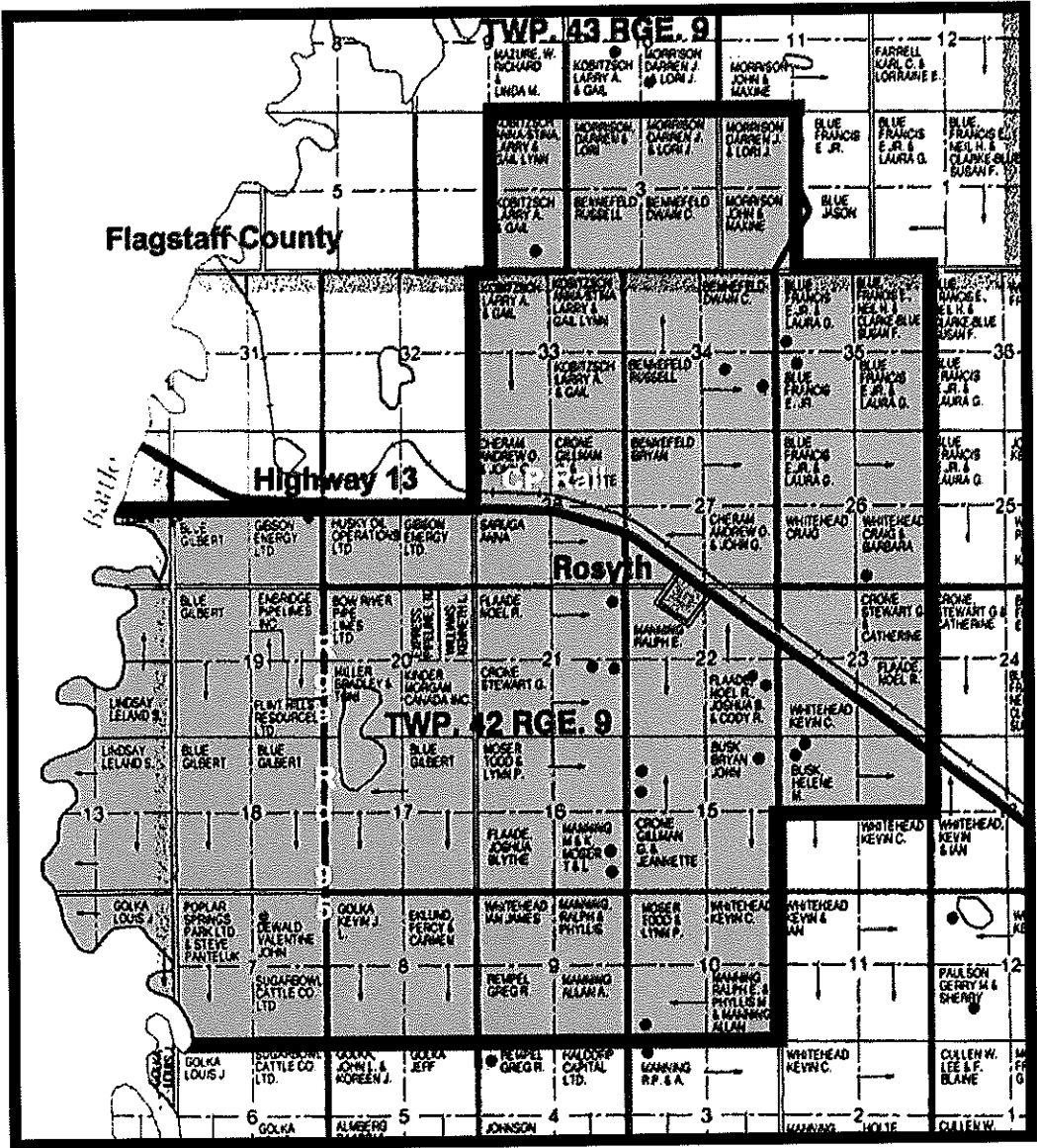


Figure 1 – Plan Area

b) Vision

Building on more than two generations of experience, the Rosyth ASP anticipates continued growth of the terminal area and envisions a continuation of successful coexistence between non-manufacturing industrial uses and the surrounding non-industrial land uses respecting the area's topography and its ecological features.

c) Municipal Policy/Regulatory Context

Although the proposed vision and generalized future land uses in the Rosyth ASP are consistent with the Municipal District of Provost No. 52 Municipal Development Plan (MDP), a policy amendment to Section 17 of the MDP (Plan Implementation) will ensure the Rosyth ASP and the MDP are consistent for purposes of Section 638 of the Municipal Government Act (MGA). Amendments to the Municipal District of Provost No. 52 Land Use Bylaw (LUB) will also ensure the Rosyth ASP corresponds to a specifically tailored direct control land use district intended to implement the ASP directly. The aforementioned amendments and approach simplifies, synchronizes and seams together the planning policy and regulatory structure/framework making it easier for industry and government agencies to follow, the Municipal District to implement and the adjacent landowners to understand.

d) Senior Government Policy/Regulatory Context

Apart from controlling access to its municipal road network, strictly speaking, senior government controls the location, approval and regulation of oil and gas development. Until municipalities are provided with the jurisdiction to determine the location and approval of oil and gas infrastructure within municipal boundaries under Part 17 of the MGA, the Rosyth ASP and the Municipal District have to rely on senior government authorities for this. Having said this, the Municipal District, by implementing the policy and regulatory provisions of the Rosyth ASP will, within its jurisdiction and scope, ensure the purpose and vision of this Plan are upheld and realized for the benefit of all concerned.

Despite senior levels of government being responsible for the location and approval of oil and gas infrastructure within municipal boundaries, Alberta Transportation being responsible for Highway 13, and so forth, the Municipal District, nonetheless, recognizes that having safe and efficient access to Highway 13 in this specific area will facilitate continued investment in the Rosyth region and indicate that both senior government and the Municipal District remain ready for future development. Once again, the Municipal District will, within its jurisdiction and scope, ensure that the lands within the Rosyth ASP are carefully planned vis a vis Highway 13 and that the Plan is adopted by Alberta Transportation pursuant to Section 14 of the MGA Subdivision and Development Regulation.

2. PLAN AREA CHARACTERISTICS

a) Location, Description and Land Ownership

The Rosyth ASP encompasses approximately 24 sections of land (~6,215 ha. or ~15,355 ac.) in the extreme northwest corner of the Municipal District. The eastern boundary of Flagstaff County forms the west boundary of the Plan, the most southwesterly portion of which (approx. 5.6 kms. - ~3.5 mi.) running along the Battle River. Starting at the Battle River, Highway 13 and the immediately adjacent and parallel CP Rail line run roughly through the middle of the Plan in an east-west then northwest-southeast direction toward Range Road 91, which forms the Plan's eastern boundary. The Plan area extends south to include approx. 4½ sections immediately south of and along Township Road 422 and extends north to include two sections immediately north of and along Township Road 430 between Range Road 92 and Flagstaff County – see Figure 1 on Page 1.

The 540 ha. ± (~1,135 ac.) on either side of Range Road 95 immediately south of Highway 13 is home to Alberta's key hub for the storage and transmission of petroleum products with pipeline linkages extending in every possible direction. The vast majority of the existing terminal development is situated within the middle bench or plateau of the eastern side of the Battle River valley. Generally speaking, the lands immediately west of the existing terminal development slope downward toward the lower bench and the River while the lands immediately east slope upward to the upper bench of the eastern side of Battle River valley. Terminal development is also located across Highway 13 within Flagstaff County and here again, the land to the north and east slope upward to reach the upper plateau of Battler River valley.

The vast majority of the remaining lands within the Plan area that are not significantly sloped or wetlands are in agricultural production (either forage or cereal/oil seed production). The Municipal District is known for cattle and this agricultural area is no exception. Except where already claimed or claimable under the Public Lands Act, all lands within the Plan area are privately held.

3. GENERALIZED FUTURE LAND USE CONCEPT

a) Overview

In keeping with the purpose of this Plan, there must be certainty that land use, subdivision and development does not occur to jeopardize the existing industrial development within the Rosyth ASP nor interfere with its expansion long into the future. Similarly, there must also be certainty that use and development of the surrounding lands can continue to occur in a compatible manner. Several ways in which this is achieved in the Rosyth ASP are outlined below.

All uses and development lawfully in existence on parcels existing at the time the Rosyth ASP, MDP policy amendment and LUB amendment implementing the specifically tailored direct control land use district come into effect would be considered permitted uses meaning that any affected agricultural operation or dwellings, as examples, could be added to, rebuilt/replaced, etc. All agricultural operations as defined in the *Agricultural Operation Practices Act*, and amendments thereto, would be provided for on a permitted use basis regardless of location within the Rosyth ASP.

Where there is existing terminal development or where terminal development expansion is foreseeable or realistically possible, no residential development in addition to that which lawfully exists at the time the Rosyth ASP and MDP/LUB amendments come into effect would be allowed. The only residential subdivision that would be considered in these areas would be to encompass a dwelling lawfully in existence at the time the Rosyth ASP and MDP/LUB amendments come into effect. Note that such residential subdivision would not allow a dwelling to be developed on the remainder of the titled area being subdivided.

To the north, east and south of where there is existing terminal development or where terminal development expansion is foreseeable or realistically possible, one dwelling in addition to that which lawfully exists at the time the Rosyth ASP and MDP/LUB amendments come into effect would be a discretionary use with approval guided by criteria directing such development as far away as is reasonably possible away from the existing terminal development area or where terminal development expansion is foreseeable or realistically possible. Residential subdivision would be limited to a maximum of one residential lot per unsubdivided quarter section provided the subdivision encompasses a lawfully approved dwelling in existence prior to the residential subdivision application being accepted in its complete form (ie: no undeveloped residential lot/subdivision would be allowed). Note that such residential subdivision would not necessarily allow a dwelling to be developed on the remainder of the titled area being subdivided. Notwithstanding any of the foregoing, no more than two dwellings would be allowed to exist per quarter beyond the existing terminal development area or outside of where terminal development expansion is foreseeable or realistically possible.

To the west of where there is existing terminal development or where terminal development expansion is foreseeable or realistically possible (ie: toward the Battle River), any dwelling lawfully in existence at the time the Rosyth ASP and MDP/LUB amendments come into effect shall be considered a permitted use meaning that it can be added to, rebuilt, replaced, etc. Residential subdivision would be limited to a maximum of one residential lot per unsubdivided quarter section provided the subdivision encompasses a lawfully approved dwelling in existence prior to the residential subdivision application being accepted in its complete form (ie: no

undeveloped residential lot/subdivision shall be allowed). Note that such residential subdivision would not allow a dwelling to be developed on the remainder of the titled area being subdivided.

Under no circumstances whatsoever would multi-lot country residential subdivision, institutional or other uses involving a concentration of people be considered within the Rosyth ASP.

In the interests of fairness and equity, should the presence of an agricultural operation or dwelling, as examples, jeopardize existing terminal development or the foreseeable or potential expansion thereof, or should existing terminal development or the foreseeable or potential expansion thereof unduly affect the continued use of an agricultural operation or dwelling, the expectation of the Municipal District is that industry and/or senior government, as the case may be, will enter into good faith negotiations with the affected party and acquire the subject property.

b) Municipal Reserve

Any municipal reserve owing for the lands within this ASP will be taken either in the form of cash-in-lieu of reserve land or deferred by way of deferred reserve caveat. No municipal reserve land is proposed within the Plan area.

c) Sequence of Development

Since the Municipal District does not ultimately determine the location and approval of the oil and gas infrastructure within this Plan, it can only formulate a reasonable estimation, a best attempt at anticipating the pattern and sequence of foreseeable and potential terminal development expansion. The actual pattern and sequence of terminal development expansion will be dependent on numerous factors over which the Municipal District has no control or influence including macro-level variables such as investment financing, commodity prices and market demand as well as more micro-level variables such as landowner/vendor willingness, local labour supply and senior government expenditure on senior government assets such as Highway 13.

d) Battle River and Highway 13 Viewshed Design and Appearance

Terminal development within the viewsheds of Highway 13 and the Battle River ought to exhibit a reasonable standard of appearance to advance the image of the area. To this end, the Municipal District feels it is important that existing operators and proponents of future terminal development within these viewsheds attend to matters of external appearance, screening and landscaping.

4. ROADS

a) Access to Roads

It is important that the lands within this ASP are carefully planned not only in relation to the Municipal District's local road network but Highway 13 as well. It is important that the integrity and function of Highway 13 is upheld or not jeopardized by the Rosyth ASP and it is highly desirable that this Plan be endorsed by Alberta Transportation. To this end and to the extent it has jurisdiction, it is important that the Municipal District, in its approvals, directs access to the Municipal District road network and not approve land uses, subdivisions or developments dependent on direct access to Highway 13. Ultimately, whatever improvements are required and made to Highway 13 will be determined by and be the responsibility of Alberta Transportation dependent on traffic volumes, turning movements, the completion of four-laning, construction of a centre median, funding resources, and so on.

b) Traffic Impact Assessment (TIA)

This ASP acknowledges that, at some point, a Traffic Impact Assessment (TIA) in relation to Highway 13 or any Municipal District road may be required as part of a subdivision or development over which the Municipal District has jurisdiction pursuant to Part 17 of the MGA and for which the Municipal District has direct approving authority. It is further understood that any TIA required or conducted under these circumstances in relation to Highway 13 must be to the satisfaction of Alberta Transportation as well as the Municipal District.

5. FORCE AND EFFECT

The Rosyth ASP is intended to refine existing general policy direction applicable to these lands within the MDP, guide/confirm the assignment and implementation of a specifically tailored land use district for inclusion in the LUB as well as establish a sound framework for future decisions on land use, subdivision and development permits.

Policy 1 The Municipal District shall ensure that all future land use, subdivision, development and decisions made regarding lands within the Rosyth Area Structure Plan (ASP) comply with the provisions (including Figure 2 on Page 7) contained in this ASP. Should such a decision require or amount to a major deviation from or relaxation/variation of the provisions of this ASP, an amendment to this ASP shall be required. Decisions that would result in or amount to a minor deviation from or relaxation/variation of the provisions of this ASP may be considered without an amendment to this ASP where the owner/developer can demonstrate to the satisfaction of the Municipal District that the deviation, relaxation or variation does not substantively alter the intent, force or effect of the provisions of this ASP.

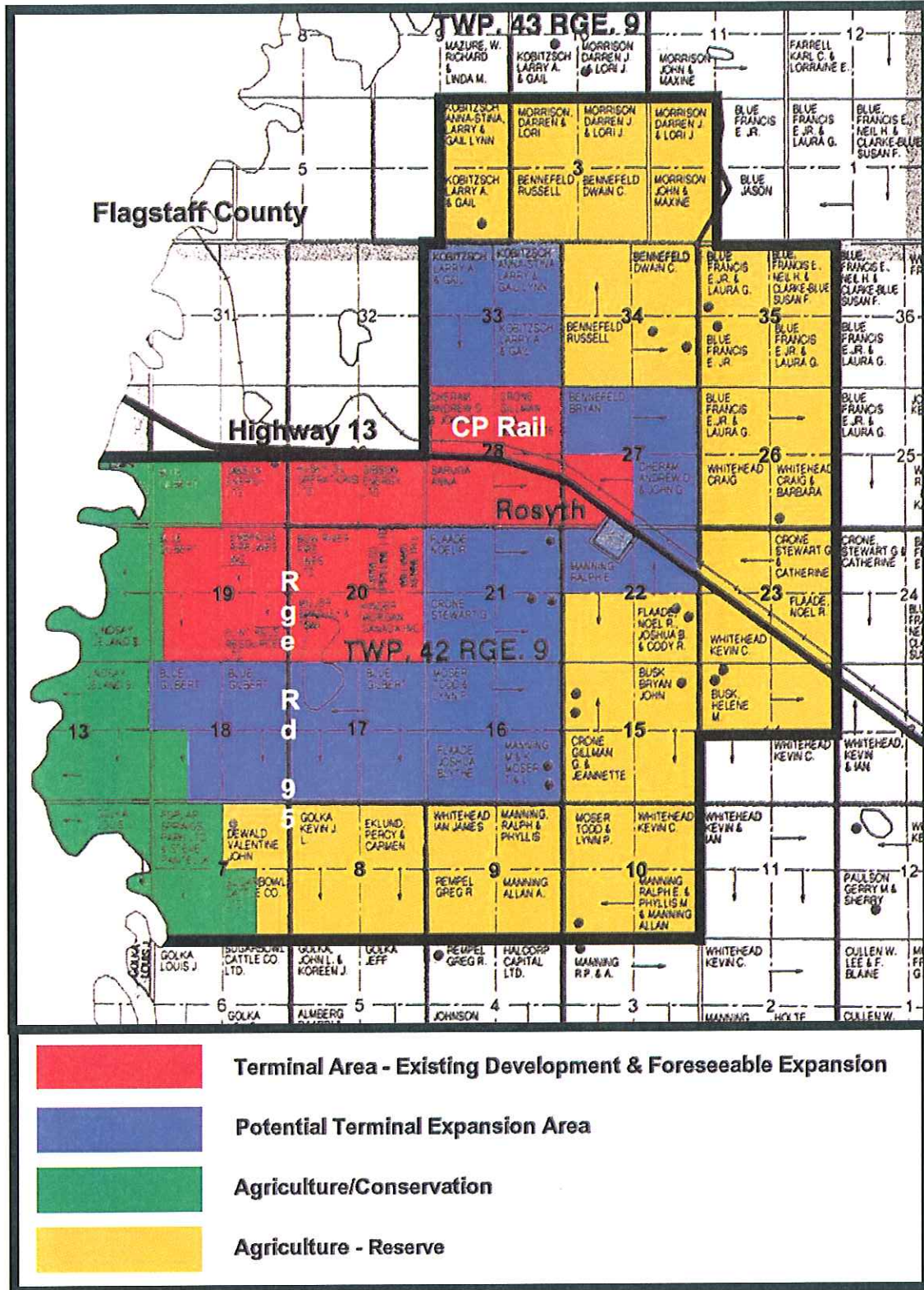


Figure 2 – Generalized Future Land Use Concept

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- Policy 2** It is intended that the Rosyth ASP, its purpose, vision, concepts and provisions are used and upheld in tandem with the relevant provisions of the Municipal District of Provost No. 52 Municipal Development Plan (MDP) and Land Use Bylaw (LUB), particularly in guiding the exercise of discretion in rendering decisions on subdivision and development permit applications.
- Policy 3** By implementing the Rosyth ASP, the Municipal District will, to the extent it can as an approving authority under Part 17 of the MGA, ensure that land use, subdivision and development does not occur to jeopardize the existing industrial development within the Rosyth ASP nor interfere with its expansion long into the future. Similarly, the Municipal District will, to the extent it can as an approving authority under Part 17 of the MGA, also ensure that use and development of the surrounding lands can continue to occur in a compatible manner.
- Policy 4** All uses and development over which the Municipal District has jurisdiction and lawfully in existence on parcels existing at the time the Rosyth ASP, MDP policy amendment and LUB amendment implementing the specifically tailored direct control land use district come into effect shall be considered permitted uses meaning that any affected agricultural operation or dwellings, as examples, can be added to, rebuilt/replaced, etc. All agricultural operations as defined in the *Agricultural Operation Practices Act*, and amendments thereto, shall be provided for on a permitted use basis regardless of location within the Rosyth ASP.
- Policy 5** Within the areas designated **“Terminal Area – Existing Development and Foreseeable Expansion** and **“Potential Terminal Expansion Area”** in Figure 2 on Page 7, no residential development in addition to that which lawfully exists at the time the Rosyth ASP and MDP/LUB amendments come into effect shall be allowed. The only residential subdivision that will be considered in these designations shall be to encompass a dwelling lawfully in existence at the time the Rosyth ASP and MDP/LUB amendments come into effect. Note that such residential subdivision will not allow a dwelling to be developed on the remainder of the titled area being subdivided.
- Policy 6** Within the area designated **“Agriculture-Reserve”** in Figure 2 on Page 7, one dwelling in addition to that which lawfully exists at the time the Rosyth ASP and MDP/LUB amendments come into effect shall be a discretionary use with approval guided by criteria directing such development as far away as is reasonably possible away from the areas designated **“Terminal Area – Existing Development and Foreseeable Expansion”** and **“Potential Terminal Expansion Area”** in Figure 2 on Page

7. Residential subdivision shall be limited to a maximum of one residential lot per unsubdivided quarter section provided the subdivision encompasses a lawfully approved dwelling in existence prior to the residential subdivision application being accepted in its complete form (ie: no undeveloped residential lot/subdivision shall be allowed). Note that such residential subdivision would not necessarily allow a dwelling to be developed on the remainder of the titled area being subdivided. Notwithstanding any of the foregoing, no more than two dwellings shall be allowed to exist per quarter within the area designated **"Agriculture-Reserve"** in Figure 2 on Page 7.

Policy 7 Within the area designated **"Agriculture/Conservation"**, any dwelling lawfully in existence at the time the Rosyth ASP and this land use district came into effect shall be considered a permitted use meaning that it can be added to, rebuilt, replaced, etc. Where there is no dwelling present on a lot that existed at the time the Rosyth ASP and MDP/LUB amendments came into effect, the Development Authority may, on a discretionary basis, approve a dwelling taking into consideration the topography of the site, the provision of public road access to the dwelling and that such a dwelling should be sited as far away as is reasonably possible away from the areas designated **"Terminal Area – Existing Development and Foreseeable Expansion"** and **"Potential Terminal Expansion Area"** in Figure 2 on Page 7. Residential subdivision shall be limited to a maximum of one residential lot per unsubdivided quarter section provided the subdivision encompasses a lawfully approved dwelling in existence prior to the residential subdivision application being accepted in its complete form (ie: no undeveloped residential lot/subdivision shall be allowed). Note that such residential subdivision would not allow a dwelling to be developed on the remainder of the titled area being subdivided. Notwithstanding any of the foregoing, no more than one dwelling shall be allowed to exist per quarter within the area designated **"Agriculture-Conservation"** in Figure 2 on Page 7.

Policy 8 Under no circumstances whatsoever shall the Municipal District consider multi-lot country residential subdivision, institutional or other permanent uses involving a concentration of people on lands within the Rosyth ASP.

Policy 9 In the interests of fairness and equity, should the presence of an agricultural operation or dwelling, as examples, jeopardize existing terminal development or the foreseeable or potential expansion thereof, or should existing terminal development or the foreseeable or potential expansion thereof unduly affect the continued use of an agricultural operation or dwelling, the expectation of the Municipal District is that industry and/or senior government, as the case may be, will enter into

good faith negotiations with the affected party and acquire the subject property.

Policy 10 The exercise of discretion and variance related to any matter or decision rendered with respect to the Rosyth ASP as well as the amendment of this ASP shall be guided by the following principles:

- (a) The exercise of variance or discretion in deciding an application or an amendment to this ASP must be both reasonable and defensible within the letter and spirit of this ASP as well as widely accepted planning principles.
- (b) If a requirement or provision of this ASP is to be deviated from or if an amendment is to be made, it is essential that those exercising the discretion or deciding upon variance or making the amendment clearly understand the rationale behind the requirement or provision they are being asked to vary or amend.
- (c) Discretion, variance and amendment shall only be considered if it can be demonstrated that the discretion, variance or amendment being considered will, at a minimum, not jeopardize the policies of this ASP and, at best, better serve them.
- (d) Any variance or discretion exercised or any amendment made shall be fully documented so that the reasons and rationale for the variance or discretion exercised or the amendment are accurately recorded and clearly understood.

Policy 11 Should an owner/developer make repeated applications to amend the Rosyth ASP once it is in effect, the Municipal District may undertake or require that the owner/developer undertake an overall review of this ASP instead of continuing to entertain individual, isolated amendment applications so that the implications of the revisions to this ASP can be considered and evaluated, at a minimum, in the context of the entire ASP area and, if warranted, beyond this ASP area.

Policy 12 For the purposes of Section 638 of the Municipal Government Act, notwithstanding anything to the contrary, the provisions of the Rosyth Area Structure Plan, being Bylaw No. 2200 and any amendments thereto, serve to refine, articulate, specify and otherwise constitute the provisions of the Municipal District of Provost No. 52 MDP as it applies to the lands within the Rosyth Area Structure Plan.

- Policy 13** In tandem with the adoption of the Rosyth ASP, the specifically tailored direct control land use district attached in Appendix One and forming part of this ASP shall be inserted into the Land Use Bylaw and applied to the lands within this ASP as designated in Figure 2 on Page 7. This specifically tailored land use district further specifies land uses, site development standards and any other matters the Council considers necessary.
- Policy 14** Environmental reserve shall be taken in accordance with the MGA either in the form of a lot (ownership transferred to the municipality) or as an environmental reserve easement (private ownership is retained). Where applicable, the Municipal District may require any owner/developer to provide hazard land as environmental reserve as part of a subdivision application. Where the Municipal District wishes to ensure public access to a water body, environmental reserve in the form of a lot shall be considered. All environmental reserve is to remain in its natural state except as permitted under the MGA. In some instances, conservation easements may be considered in place of environmental reserves as per Section 22 of the Environmental Enhancement and Protection Act.
- Policy 15** Municipal reserve shall be taken in accordance with the MGA in the various forms provided. Where appropriate, municipal reserve may be taken and used as a buffer specifically pursuant to Section 671(2)(d).
- Policy 16** All public utilities, public roads, other public facilities/improvements and, when required, site preparation, shall be professionally engineered and constructed to the satisfaction of the Municipal District in accordance with the Municipal District's standards.
- Policy 17** Where required, subdivision and development permit applications shall comply with the Stormwater Management Guidelines for the Province of Alberta 1999, prepared by Alberta Environment. There shall be no change between pre and post-development off-site flows except where the application conforms to an approved stormwater management plan approved in conjunction with the Municipal District.
- Policy 18** Where required, subdivision and development permit applicants shall be responsible for making all necessary arrangements regarding the disposal/management of stormwater off-site and providing to/for the Municipal District all required documentation, permission, approvals and/or other forms of authorization from all relevant agencies having jurisdiction in relation thereto.

- Policy 19** When the Municipal District has the jurisdiction as an approving authority under Part 17 of the MGA, the Municipal District may require applicant(s)/owner(s)/developer(s)/proponent(s), at their sole expense, to prepare a Traffic Impact Assessment (TIA). The timing and scope of a TIA in relation to Highway 13 shall be as determined by the Municipal District in consultation with Alberta Transportation. The TIA prepared in relation to Highway 13 shall be to the satisfaction of Alberta Transportation as well as the Municipal District.
- Policy 20** Any engineering, requirements or improvements identified in or resulting from the TIA approved by the Municipal District and Alberta Transportation pursuant to Policy 18, or any other engineering, requirement or improvement specified by Alberta Transportation in relation to Highway 13 as a result of or that is attributable to any development within this ASP, regardless of the Municipal District's jurisdiction as an approving authority, must be undertaken to the satisfaction of Alberta Transportation, in consultation with the Municipal District, at the applicant(s)/owner(s)/developer(s)/proponent(s) sole expense.
- Policy 21** With respect to all new development or any redevelopment within the viewsheds of Highway 13 and the Battle River, the Municipal District shall require, where applicable, and encourage when it does not have jurisdiction as an approving authority, a reasonable standard of external appearance, screening and landscaping is exhibited to advance the image of the area.
- Policy 22** The Municipal District has very limited capacity to control the development and life span of oil and gas wells in the Rosyth ASP. As a result, the ability of the Municipal District to ensure orderly development is affected by the presence of existing and future oil/gas leases. Therefore, the Municipal District will work with oil and gas interests and landowners to identify well-site development and production schedules that coordinate with land use designations within the Rosyth ASP. In working with oil and gas interests and landowners, the Municipal District will recommend that the following siting/development principles be followed:
- (a) wells should be clustered whenever possible;
 - (b) flow lining to a common location for multiple wells should be utilized whenever possible;

- (c) clustered well sites should be located whenever possible next to public utility lots and other similar uses;
- (d) road accesses to clustered wells should be combined wherever possible and access routes utilized should be made to fit existing and identified future roadways whenever possible; and,
- (e) if well/battery sites are located in proximity to a residence, the operating conditions of well/battery sites should be adjusted as follows:
 - i) flow lining to a battery site located away from the residence should be utilized,
 - ii) fluids should be hauled, tanks should be vacuumed/cleaned and servicing/maintenance should take place during regular daytime hours,
 - iii) storage tank temperature should be kept at a level such that associated impacts, particularly odour, are minimized to the fullest extent possible,
 - iv) portable generators should not be used to provide power, and
 - v) every effort needs to be made using whatever measures required to minimize odours, noise, dust, vibration and any other negative impacts.

Policy 23

Even though the Municipal District's jurisdiction is limited with respect to the approval/regulation of oil and gas infrastructure within its boundaries, it has, nonetheless, maintained a very good working relationship with the many oil and gas interests represented in the terminal area for many years. The Municipal District fully expects that productive and mutually beneficial relationship to continue in the years ahead. To this end, the Municipal District encourages both existing and future oil and gas companies with interests in the terminal area to keep referring their development plans and intentions to the Municipal District as soon as they are in a position to do so. The Municipal District remains committed to working together with industry particularly in addressing issues concerning its local road network.

- Policy 24** Regulation and approval of confined feeding operations (CFO's) rests with the Natural Resources Conservation Board (NRCB). Prior to making its decision, the NRCB is to review local plans and request comments from the Municipal District. In responding to the NRCB, the Municipal District shall convey that they do not support any new or the expansion of any existing CFO or manure storage facilities requiring an approval, authorization or registration under the *Agricultural Operation Practices Act*, and amendment thereto, within the Rosyth Area Structure Plan.
- Policy 25** In areas identified by Alberta Culture and Community Spirit (ACCS), the Municipal District shall refer any land use, subdivision or development application to ACCS and impose any conditions necessary, should the application be approved, to ensure that the owner/developer complies with any requirements ACCS identifies pursuant to historical resources legislation and regulations.
- Policy 26** The Municipal District shall pursue whatever actions are deemed appropriate or necessary to secure compliance with the provisions of the Rosyth ASP.
- Policy 27** The Municipal District may require owner(s)/developer(s) to enter into an agreement with the Municipal District as a condition of an approved subdivision or development permit application pursuant to the Municipal Government Act.
- Policy 28** The Municipal District may require caveats, performance bonds, letters of credit, restrictive covenants or any other available mechanisms to secure performance of any requirement stipulated in the provisions of the Rosyth ASP.
- Policy 29** Any required amendments to the Municipal District of Provost No. 52 MDP or LUB that arise subsequent to the adoption of the Rosyth ASP will be undertaken by the Municipal District.
- Policy 30** The Municipal District will monitor the Rosyth ASP on an on-going basis. Notwithstanding, this ASP will be reviewed by the end of 2014.

Appendix One

**R(ASP)DC – Rosyth (Area Structure Plan) Direct Control District
(forms part of this ASP)**

SECTION 55. R(ASP)DC – ROSYTH (AREA STRUCTURE PLAN) DIRECT CONTROL DISTRICT

(1) General Purpose and Intent

This land use district is intended specifically to provide for land use(s), subdivision(s) and development(s) in accordance with and as specified in the Rosyth Area Structure Plan (ASP), being Bylaw No. 2200, and any amendments thereto. The R(ASP)DC - District applies to all lands within the Rosyth ASP as depicted in Figure 2 on Page 7 of the Rosyth ASP. Figure 2 is also attached to and forms part of this land use district - shown after the definitions contained in Section 55.(2) below.

The purpose of the Rosyth ASP is to create a municipal planning policy and regulatory framework under which the large-scale storage and transmission of petroleum and associated materials within the Plan Area can continue to operate, develop and expand over the long term unobstructed by adjacent land uses and under which compatible adjacent land uses can continue to develop and operate over the long term unimpeded by the storage and transmission of petroleum and associated materials.

Section 55., in tandem with the Rosyth ASP on which it is based, provides the ways and means necessary to ensure that the future use, subdivision and development of the subject lands occurs in a planned manner and that the processing of subsequent subdivision and development permit applications can be carried out with efficiency and clarity. Council, at their discretion, who may delegate their discretion to the Development Authority, may allow for the uses, subdivision and development provided for the lands within the Rosyth ASP.

(2) Definitions

For the purposes of this land use district, and notwithstanding any provisions to the contrary elsewhere in the Municipal District of Provost No. 52 Land Use Bylaw, the following definitions shall apply:

"ACCESSORY BUILDING" - means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and which is located on the same parcel of land;

"ACCESSORY USE" - means a use customarily incidental and subordinate to the principal use or building and which is located on the same parcel of land with such principal use or building;

"AGRICULTURAL OPERATION" - means an agricultural operation as defined in the *Agricultural Operations Practices Act (AOPA)*, and amendments thereto, but does not include a confined feeding operation (CFO) also as defined and regulated under AOPA;

"AGRICULTURAL SERVICE FACILITY" - means a use which provides non-industrial, agriculturally oriented services to the rural community. Without restricting the generality of the foregoing, this shall include the retailing, servicing and/or repairing of agricultural implements and goods such as farm machinery, grain elevators and fertilizer but does not involve salvaging;

"BED AND BREAKFAST OPERATION, MINOR" - means when overnight accommodation is provided in no more than two (2) rooms of a dwelling, as defined herein and in which the owner lives, for a fee, length of stay generally not to exceed two (2) weeks, and meals are provided for the guest;

"BOARDING/LODGING" - means a use accessory to a dwelling in which the owner lives and supplies sleeping unit accommodation, for remuneration, for not more than two (2) residents to whom they are not related. It may or may not include meal service;

"CAMPGROUND" - means a development for the purpose of providing short term accommodation for recreational vehicles or tents. A campground is not to be construed as development for the purpose of accommodating long term or permanent occupancy. Related facilities that are accessory to and support the campground, such as an administrative office, laundromat, picnic area and playground may be included on-site.

"COMMERCIAL STORAGE" - means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature. This use does not include outdoor storage;

"CONFINED FEEDING OPERATION (CFO)" – means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and any other building or structure directly related to that purpose but does not include residences, livestock seasonal feeding and bedding sites, equestrian stables, auction markets, race tracks or exhibition grounds. A CFO requires registration or approval under the conditions set forth in the *Agricultural Operations Practices Act (AOPA)*, and amendments thereto;

"CONTRACTOR SERVICE, MAJOR" - means premises used for the provision of building and road construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site storage and warehouse space but does not involve salvaging. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor services use only;

"CONTRACTOR SERVICE, MINOR" - means development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to

individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities, no salvaging or fleet storage of more than four vehicles;

"DWELLING" - means a residence intended for permanent occupancy by one household and which meets the requirements of the Alberta Building Code. A dwelling does not include a holiday trailer or recreational vehicle;

"DWELLING, DOUBLE-WIDE MANUFACTURED" - means a manufactured dwelling consisting of two sections separately towed, designed to be joined together, side by side, into one integral dwelling on site;

"DWELLING, MANUFACTURED" - means a transportable dwelling in single or multiple section(s) conforming to Canadian Standards Association and Alberta Labour certification standards at time of manufacture. It is ready for residential occupancy upon completion of set-up in accordance with required factory recommended installation instructions. A manufactured dwelling does not include a holiday trailer or recreational vehicle;

"DWELLING, MODULAR" - means a finished section or sections of a complete dwelling built in a factory for transport to the site for installation. Finished means fully enclosed on the exterior and interior but need not include interior painting, taping, installation of cabinets, floor covering, fixtures, heating system, and exterior finishes;

"DWELLING, SINGLE-WIDE MANUFACTURED" - means a manufactured dwelling designed specifically to be towed in a single load and consisting of one integral dwelling placed on the site;

"DWELLING, SINGLE DETACHED" - means a dwelling constructed on site upon on a permanent foundation and/or basement.

"EXTENSIVE RECREATION" - means uses which locate in the rural area to take advantage of natural physical features and to provide for non-facility oriented recreational activities such as trail riding, snowmobiling, hiking, skiing, rustic camping and similar uses;

"HOME OCCUPATION" - means any occupation, trade, profession or craft, other than a minor bed and breakfast operation as defined in this land use district, carried on by an occupant of a residential building as a use secondary to the residential use of the building or land. A home occupation does not include the keeping of stock-in-trade unless otherwise approved by the Development Authority. Home occupations are divided into two categories:

- (a) Minor - home occupations that do not employ any person who is not a resident of the home, do not generate more than four client/customer vehicle trips per day, do not extend beyond the confines of the residential unit, and which does not change the character thereof or have any exterior evidence of such secondary use other than a 1.0 m² (10.76 ft²) nameplate;
- (b) Major - home occupations that may employ persons who are not a resident of the home, may generate more than four client/customer vehicle trips per day, may utilize accessory buildings and may involve outside storage, and does not change the character of the residential unit or property;

"HOME OFFICE OR STUDIO" – means the use of up to 15% of the gross floor area of a dwelling as a professional or business office or home craft studio by a resident or residents of the dwelling. Any office equipment shall be limited to a desk, telephone, computer, facsimile and other basic office equipment. Typical uses include farm offices, home craft artisan, catalogue or internet sales, home representatives (other than a main supplier or distributor), consultants, accountants and other similar professionals. This use does not include warehousing of goods, outdoor storage, client visits to the dwelling or signage;

"NATURAL RESOURCE EXTRACTION" - means the extraction of natural resources, including oil and gas, peat, metallic minerals, non-metallic minerals (such as sand, gravel, coal, limestone, gypsum, granite and salt);

"NATURAL RESOURCE PROCESSING " - means the processing, storage and transmission of natural resources, including oil and gas, peat, metallic and non-metallic minerals (such as sand, gravel, coal, limestone, gypsum, granite and salt);

"OUTDOOR STORAGE" – means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be place outside of a building but does not involve salvaging. Typical uses include but are not limited to pipe yards or vehicle or heavy equipment storage compounds.

"OWNER-OPERATOR HEAVY VEHICLE AND EQUIPMENT STORAGE/PARKING" – means the outdoor on-site storage/parking of heavy vehicles (e.g. tractor-trailer unit, flatbed, grain truck, tanker, and so forth) and equipment (e.g. back/track hoe, grader, earth-moving equipment, and so forth) owned and operated by a resident landowner including any family members of the resident landowner also resident on-site.

"PUBLIC UTILITY" - means a public utility as defined in the Act;

"PUBLIC UTILITY BUILDING" - means a building to house a public utility, its offices or equipment;

"RECREATION VEHICLE" - means a vehicle that is solely for the personal use and enjoyment of the individual and may include recreation homes, all terrain vehicles, holiday trailers and campers, dirt bikes and motorized boats;

"RECREATION VEHICLE STORAGE" - means the use of a building and/or site primarily for the storage of vehicles such as travel trailers, motorhomes, slide-in campers, chassis-mounted campers and tent trailers but does not include manufactured homes;

"RECYCLING DEPOT" - means development used for the buying, collection, sorting, and temporary storage of bottles, cans, beverage containers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include recycling drop-off centres;

"RECYCLING DROP-OFF" - means a development used for the collection and temporary storage of recyclable materials. Recyclable materials include, but are not limited to, cardboard, newspapers, plastics, paper, metal and similar household goods. Recyclable material left at the drop-off centre shall be periodically removed and taken to larger, permanent recycling operations for final recycling. This does not include recycling depots;

"SCREENING" - means, without restricting the generality of the following, a row of trees, shrubs, earth berm or fencing that provides visual screening and separation and/or noise attenuation between parcels and/or between parcels and roadways. The term buffer has the same meaning;

"SMALL ANIMAL BOARDING/BREEDING" - means any development in which or any land on which four (4) or more dogs, cats or other small animals are maintained, bred, trained or cared for in return for remuneration or kept for purposes of sale;

"SPECIALTY AGRICULTURE" - means a commercial agricultural operation, other than a confined feeding operation, which requires smaller tracts of land due to the intensive nature of the operation. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, sod farms, mushroom farms, market gardens and apiaries;

"SURVEILLANCE SUITE" - means a manufactured/modular dwelling or a seasonal residence, all without basement, used solely to accommodate a person or persons comprising a household, or employee, whose official function is to provide surveillance, maintenance and/or security for a commercial or industrial development or developments provided for in this land use district. The dwelling shall form part of the development with which it is associated and clearly be a subordinate use of the lot on which it is located;

"TEMPORARY BUILDING" - means a structure for which approval may be granted for a maximum period of one (1) year upon the initial application with the length of approval of subsequent applications being at the Development Authority's discretion;

"TEMPORARY USE" – means a use for which approval may be granted for a maximum period of one (1) year upon the initial application with the length of approval of subsequent applications being at the Development Authority's discretion;

"TRANSPORTATION FACILITIES" - means the use of land or buildings for public transportation related activities;

"UNSUBDIVIDED QUARTER SECTION" - means a titled area of 64.7 hectares (160.0 acres), more or less, but excluding previous subdivisions for waterbodies, watercourses, road widening, school sites and other institutional and public uses;

"WAREHOUSE" - means a structure used for the storage and distribution of raw materials, processed or manufactured goods, and establishments providing servicing for those purposes; and,

"WORK CAMP" - means a temporary facility for the use of employees affiliated with a remote work location where meals and overnight accommodation are typically provided;

"VETERINARY SERVICE" - means development used for the care and treatment of animals where the service primarily involves in-patient care and major medical procedures involving hospitalization for periods of time. This use includes animal hospitals, animal shelters, and animal crematoriums.

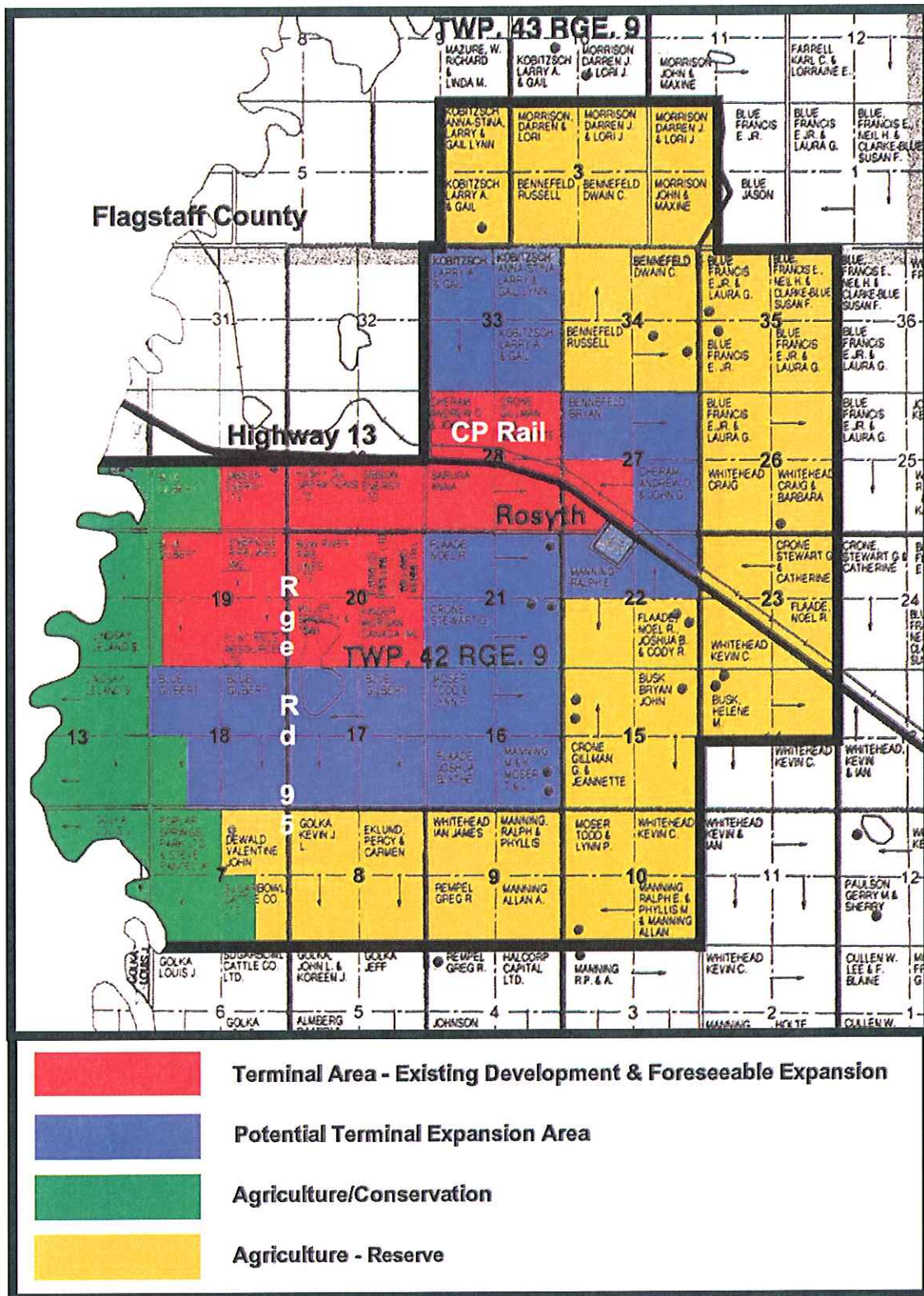


Figure 2 – Generalized Future Land Use Concept

- (3) Section 55.(3) applies to the lands within the **“Terminal Area – Existing Development and Foreseeable Expansion”** designation in Figure 2 on Page 7 of the Rosyth Area Structure Plan, being Bylaw 2200, and amendments thereto and shown under Subsection (2) of this district.

Permitted Uses

Accessory building.
 All uses and development over which the Municipal District has jurisdiction and lawfully in existence on parcels existing at the time this land use district was assigned and came into effect.
 Agricultural operation.
 Agricultural service facility.
 Contractor service, minor.
 Contractor service, major.
 Natural resource extraction.
 Natural resource processing.
 Outdoor storage.
 Owner-operator heavy vehicle and equipment storage/parking.
 Public utility.
 Temporary building.
 Temporary use.
 Transportation facilities.
 Warehouse.

Discretionary Uses

Accessory use.
 Public utility building.
 Specialty agriculture.
 Work camp.
 Those uses which, in the opinion of the Development Authority or Subdivision Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district and the Rosyth Area Structure Plan upon which it is based.

- (4) Section 55.(4) applies to the lands within the **“Potential Terminal Expansion Area”** designation in Figure 2 on Page 7 of the Rosyth Area Structure Plan, being Bylaw 2200, and amendments thereto and shown under Subsection (2) of this district.

Permitted Uses

Accessory building.
 All uses and development over which the Municipal District has jurisdiction and lawfully in existence on parcels existing at the time this land use district was assigned and came into effect.
 Agricultural operation.
 Agricultural service facility.
 Commercial storage.
 Contractor service, minor.

Discretionary Uses

Accessory use.
 Boarding/lodging.
 Home occupation, major.
 Home occupation, minor.
 Home office or studio.
 Public utility building.
 Recreation vehicle storage.
 Recycling depot.
 Recycling drop-off.
 Small animal boarding/breeding.

Contractor service, major.
 Natural resource extraction.
 Natural resource processing.
 Outdoor storage.
 Owner-operator heavy vehicle and equipment storage/parking.
 Public utility.
 Temporary building.
 Temporary use.
 Transportation facilities.
 Warehouse.

Specialty agriculture.
 Veterinary service.
 Work camp.
 Those uses which, in the opinion of the Development Authority or Subdivision Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district and the Rosyth Area Structure Plan upon which it is based.

- (5) Section 55.(5) applies to the lands within the **“Agriculture/Conservation”** designation in Figure 2 on Page 7 of the Rosyth Area Structure Plan, being Bylaw 2200, and amendments thereto and shown under Subsection (2) of this district.

Permitted Uses

Discretionary Uses

Accessory building.
 All uses and development over which the Municipal District has jurisdiction and lawfully in existence on parcels existing at the time this land use district was assigned and came into effect.
 Agricultural operation.
 Public utility.
 Specialty agriculture.
 Temporary building.
 Temporary use.

Accessory use.
 Dwelling, double-wide manufactured.
 Dwelling, modular.
 Dwelling, single-wide manufactured.
 Dwelling, single detached.
 Home office or studio.
 Natural resource extraction.
 Owner-operator heavy vehicle and equipment storage/parking.
 Public utility building.
 Those uses which, in the opinion of the Development Authority or Subdivision Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district and the Rosyth Area Structure Plan upon which it is based.

- (6) Section 55.(6) applies to the lands within the **“Agriculture – Reserve”** designation in Figure 2 on Page 7 of the Rosyth Area Structure Plan, being Bylaw 2200, and amendments thereto and shown under Subsection (2) of this district.

Permitted Uses

Discretionary Uses

Accessory building.
 All uses and development over which the

Accessory use.
 Bed and breakfast operation, minor.

Municipal District has jurisdiction and lawfully in existence on parcels existing at the time this land use district was assigned and came into effect.

- Agricultural operation.
- Contractor service, minor.
- Home occupation, minor.
- Home office or studio.
- Natural resource extraction.
- Owner-operator heavy vehicle and equipment storage/parking.
- Public utility.
- Specialty agriculture.
- Temporary building.
- Temporary use.

- Boarding/lodging.
- Campground.
- Contractor service, major.
- Dwelling, double-wide manufactured.
- Dwelling, modular.
- Dwelling, single-wide manufactured.
- Dwelling, single detached.
- Extensive recreation.
- Home occupation, major.
- Natural resource processing.
- Outdoor storage.
- Recreation vehicle storage.
- Recycling depot.
- Recycling drop-off.
- Public utility building.
- Small animal boarding/breeding.
- Surveillance suite.
- Veterinary service.
- Work camp.

Those uses which, in the opinion of the Development Authority or Subdivision Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district and the Rosyth Area Structure Plan upon which it is based.

(7) Residential Development and Subdivision

- (a) In accordance with the Rosyth ASP, for the lands within the **“Terminal Area – Existing Development and Foreseeable Expansion and “Potential Terminal Expansion Area”** designations, no dwellings shall be approved in addition to those which lawfully existed at the time the Rosyth ASP and this land use district came into effect shall be allowed. The only residential subdivision that will be considered shall be to encompass a dwelling lawfully in existence at the time the Rosyth ASP and this land use district came into effect. Note that such residential subdivision will not allow a dwelling to be developed on the remainder of the titled area being subdivided.
- (b) In accordance with the Rosyth ASP, for the lands within the **“Agriculture-Reserve”** designation, one dwelling in addition to that which lawfully existed at the time the Rosyth ASP and this land use district came into effect shall be a discretionary use with any approval directing such development as far away

as is reasonably possible away from the lands within the **“Terminal Area – Existing Development and Foreseeable Expansion”** and **“Potential Terminal Expansion Area”** designations. Residential subdivision shall be limited to a maximum of one residential lot per unsubdivided quarter section provided the subdivision encompasses a lawfully approved dwelling in existence prior to the residential subdivision application being accepted in its complete form (ie: no undeveloped residential lot/subdivision shall be allowed). Note that such residential subdivision would not necessarily allow a dwelling to be developed on the remainder of the titled area being subdivided. Notwithstanding any of the foregoing, no more than two dwellings shall be allowed to exist per quarter section within the **“Agriculture-Reserve”** designation.

- (c) In accordance with the Rosyth ASP, for the lands within the **“Agriculture/Conservation”** designation, any dwelling lawfully in existence at the time the Rosyth ASP and this land use district came into effect shall be considered a permitted use meaning that it can be added to, rebuilt, replaced, etc. Where there is no dwelling present on a lot that existed at the time the Rosyth ASP and MDP/LUB amendments came into effect, the Development Authority may, on a discretionary basis, approve a dwelling taking into consideration the topography of the site, the provision of public road access to the dwelling and that such a dwelling should be sited as far away as is reasonably possible away from the lands within the **“Terminal Area – Existing Development and Foreseeable Expansion”** and **“Potential Terminal Expansion Area”** designations. Residential subdivision shall be limited to a maximum of one residential lot per unsubdivided quarter section provided the subdivision encompasses a lawfully approved dwelling in existence prior to the residential subdivision application being accepted in its complete form (ie: no undeveloped residential lot/subdivision shall be allowed). Note that such residential subdivision would not allow a dwelling to be developed on the remainder of the titled area being subdivided. Notwithstanding any of the foregoing, no more than one dwelling shall be allowed to exist per quarter within the **“Agriculture-Conservation”** designation.

(8) Minimum Site Area

Unless otherwise prescribed in this Bylaw, the minimum site area shall be as determined by the Subdivision or Development Authority, as the case may be, who shall take into account the general purpose and intent of this land use district, the location and setbacks of adjacent land uses and buildings as well as the other site provisions of this land use district.

(9) Minimum Setback Requirements

- (a) Minimum front yard - the minimum front yard distance shall be 41.0 m (~134.5 ft) from the front yard property line.
- (b) Minimum side and rear yard – the minimum side and rear yard distances shall be 15.0 m (~49.25 ft) from the side and rear yard property lines, respectively, except where the side or rear yard is adjacent to a road in which case the minimum distance shall be 41.0 m (~134.5 ft) from the side and rear yard property lines, respectively.

(10) Building Height

The height of a building shall be at the discretion of the Development Authority who shall take the following into account in determining height:

- (a) The topography of the parcel upon which the building is or is to be situated as well as the topography of immediately adjacent parcels and the surrounding area shall be considered to ensure that the sight lines and view angles of the subject parcel and adjacent parcel are not unduly obstructed by the height of the building.
- (b) The height of a building shall be in proportion with the principal and accessory buildings on immediately adjacent parcels as well as in keeping with the surrounding area.
- (c) The fire safety provisions of the Alberta Safety Codes Act and regulations thereto, as may be amended from time to time, and the capacity and availability of fire fighting equipment and personnel.

(11) Design, Character and Appearance of Buildings

The design, siting, external finish, architectural appearance and landscaping generally, of all buildings, including any accessory buildings or structures and signs, and any reconstruction, shall all be to the satisfaction of the Development Authority, so there is conformity with adjacent buildings, and adequate protection afforded to the amenities of adjacent properties. As a condition of a development permit, the Development Authority may require a letter of guarantee or an irrevocable letter of credit in order to secure compliance with any requirements imposed.

(12) Other Provisions

- (a) No activity may be undertaken that would, in the opinion of the Development Authority, unduly interfere with the amenities or materially interfere with or affect the use, enjoyment or value of neighbouring properties by reason of excessive noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.
- (b) To determine if the subject land is suitable for and can physically support/sustain the proposed use or development in question, the Development Authority may require, before accepting an application as complete, any geotechnical analysis or any other engineering, environmental or technical assessment/information it considers necessary to properly evaluate the application. The Development Authority will ensure that the analysis/assessment/information they require is prepared/substantiated by qualified persons licensed to practice in the Province of Alberta.
- (c) To the level of detail determined by the Development Authority, applicants shall fully disclose the precise nature and extent of the proposed use, subdivision and/or development, including intended hours of operation, so that their applications can be thoroughly evaluated in accordance with this land use district.
- (d) Upon receipt of a completed application, the Development Authority may, prior to making a decision, refer the application to any municipal department or any other external agency for comment and may require a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to any existing/proposed building or other improvement that is the subject of the application.
- (e) The Development Authority may:
 - i) as a condition of approval, require that the applicant enter into a development agreement with the Municipal District pursuant to the Municipal Government Act. To ensure compliance with the conditions in the agreement, the Municipal District may be protected by caveat registered in favour of the Municipal District;
 - ii) as a condition of approval, require financial guarantees, in a form and an amount acceptable to the Municipal District, from the applicant to secure performance of any of the conditions of the approval; and/or,

- iii) revoke an approval in the case where satisfactory arrangements have not been made by a developer for the supply of water, disposal of sewage and road access, or any of them.
- (f) In the case of new construction, the Development Authority shall require, as a condition of approval, that a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the building(s) that is (are) the subject of the development permit application, be submitted by the owner/developer upon completion of the building foundation and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and any other relevant provisions of the Bylaw.
- (g) The Development Authority may stipulate the times of the day or week during which an approved use or development may operate as well as the length of time its approval remains in effect.
- (h) As a condition of approval, the Development Authority may require that an approved use or development be screened from public thoroughfares and adjacent residential uses by a solid wall, fence or other means in a manner and to a height satisfactory to them.
- (i) The Development Authority may issue a temporary development permit where the Development Authority is of the opinion that the proposed use is of a temporary nature.
- (j) Owner-operator heavy vehicle and equipment storage/parking - the following provisions shall apply:
 - i) no heavy vehicles or equipment shall be stored or parked on-site other than those owned and operated by the resident landowner including any family members of the resident landowner also resident on-site.
 - ii) all heavy vehicles or equipment stored/parked on-site shall be stored-parked outside and in a neat and orderly fashion.
 - iii) the development authority, at their discretion and to their satisfaction, may require that an area used for the outside storage/parking of heavy vehicles and equipment be screened from view.

- (k) If an application involves explosives or radioactive material, the Development or Subdivision Authority, as the case may be, shall:
- i) consider the effects of the storage and/or transport of explosives or radioactive material proposed in an application (e.g. the implications of the development setbacks specified in the Quantity-Distance tables of the Explosives Regulations or the provisions of the Transportation of Dangerous Goods Act) on the other existing and proposed use(s) located or proposed to be located on the subject parcel as well as adjacent parcels;
 - ii) at their discretion, prior to deciding upon the application before them, provide public notice, through means and to whom they consider necessary, that a decision regarding an application involving the storage and/or transport of explosives or radioactive material is to be made, that an opportunity will be afforded to any person notified to make representation on the application and that the representations made shall be taken into account when final consideration is given to the said application; and,
 - iii) based on the circumstances of the application before them, and at their sole discretion, either grant their approval, provided the application otherwise complies with this Plan or any conceptual scheme in effect, the Municipal Development Plan and the Land Use Bylaw, subject to the applicant complying with all applicable provincial and federal as well as any other municipal regulations related to explosives or radioactive material (and submitting proof of same – e.g. a license or certificate, as specified by the Development or Subdivision Authority, that they have complied), or withhold their approval until such time as the applicant demonstrates, to their satisfaction, compliance with all applicable provincial and federal as well as any other municipal regulations related to explosives or radioactive material.
- (l) If at any time, in the opinion of Development Authority, any of the provisions of this land use district have not been complied with, the Development Authority may utilize the enforcement mechanisms available under the Municipal Government Act.

- (m) Unless contrary to any provisions of this land use district or the Rosyth Area Structure Plan to which this land use district is tied, or if this land use district or the Rosyth Area Structure Plan to which this district is tied already specifies provisions, in which case, this land use district and the Rosyth Area Structure Plan to which this district is tied shall prevail, all other provisions in the Land Use Bylaw shall apply.

Appendix Two

**Amendment to the
Municipal District of Provost No. 52 Municipal Development Plan
(Attached for Information only)**

BYLAW 2202

OF THE MUNICIPAL DISTRICT OF PROVOST NO. 52

Being a Bylaw to Amend the Municipal District of Provost No. 52 Municipal Development Plan

WHEREAS Section 638 of the Municipal Government Act requires that all statutory plans adopted pursuant to the Act be consistent with one another, the Council of the Municipal District of Provost No. 52 deems it appropriate to amend the Municipal District of Provost No. 52 Municipal Development Plan, being Bylaw 2132 and amendments thereto, to ensure conformity with the provisions of the Rosyth Area Structure Plan, being Bylaw No. 2200 and amendments thereto;

AND WHEREAS The Council of the Municipal District of Provost No. 52 wishes to rely on the provisions of the Rosyth Area Structure Plan, being Bylaw No. 2200 and amendments thereto, to refine and further specify the general policy direction applicable to this area in the Municipal District of Provost No. 52 Municipal Development Plan, being Bylaw No. 2132, and amendments thereto.

NOW THEREFORE Under the authority of the Municipal Government Act, the Council of Municipal District of Provost No. 52, in the Province of Alberta, duly assembled enacts as follows:

1. That Part 17 of Bylaw 2132, being the Municipal District of Provost No. 52 Municipal Development Plan, be amended by adding the following as Policy 17.6:

“For the purposes of Section 638 of the Municipal Government Act, notwithstanding anything to the contrary, the provisions of the Rosyth Area Structure Plan, being Bylaw No. 2200 and any amendments thereto, serve to refine, articulate, specify and otherwise constitute the provisions of the Municipal District of Provost No. 52 MDP as it applies to the lands within the Rosyth Area Structure Plan”

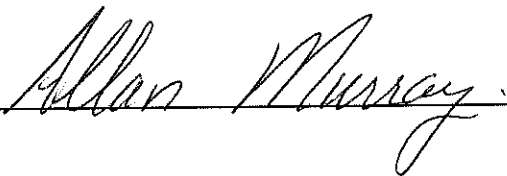
2. Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall be maintained.
3. That this Bylaw becomes effective upon the date of the final passing thereof.

Read a first time this 26th day of March, 2009

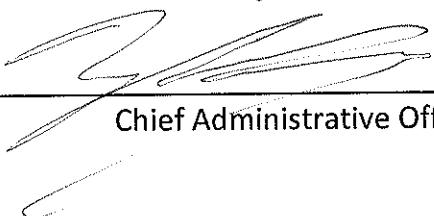
Public Hearing on the 11th day of June, 2009 held in the Council Chambers of the Municipal District of Provost No. 52

Read a second time this 11th day of June, 2009

Read a third time and finally passed, this 25th day of June, 2009



Reeve



Chief Administrative Officer