

**BYLAW NO. 03-AM-2023**

**BEING A BYLAW OF THE MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133  
IN THE PROVINCE OF ALBERTA TO AMEND THE  
MUNICIPAL DISTRICT OF SPIRIT RIVER NO. 133 LAND USE BYLAW NO. 11-2019**

**WHEREAS**, the *Municipal Government Act*, RSA 2000 Chapter M-26, as amended, authorizes the Council of a municipality to enact a Land Use Bylaw to regulate and control the use and development of land and buildings within a municipality; and

**WHEREAS**, the Municipal District of Spirit River No. 133 has adopted the Municipal District of Spirit River No. 133 Land Use Bylaw No. 11-2019, as amended, to regulate land use and development in the Municipal District; and

**WHEREAS**, the Council of the Municipal District of Spirit River No. 133, in the Province of Alberta, has deemed it desirable to amend the Municipal District of Spirit River No. 133 Land Use Bylaw No. 11-2019, to support a transloading facility and regulate dangerous goods;

**NOW THEREFORE**, pursuant to Section 230, 606 and 692 of the *Municipal Government Act*, RSA 2000 Chapter M-26, as amended, the Council of the Municipal District of Spirit River No. 133 in the Province of Alberta, duly assembled, hereby enacts as follows:

**TITLE**

1. This Bylaw may be cited as “Land Use Amendment Bylaw No. 03-AM-2023”.

**AMENDMENTS**

2. That **Section 3.14.1 under RURAL INDUSTRIAL (RI) District** be amended by adding the following as a Discretionary Use:

Transloading Facility

3. That **Section 4.18 Risk Assessment** be amended and replaced as follows.

**4.18 Risk Assessment**

- 4.18.1 A development permit shall be required for any activity or development that involves the manufacture, use, storage or transportation of hazardous substances or dangerous goods.
- 4.18.2 The Development Authority may require a Risk Assessment prepared by a qualified professional, such as an engineer, biologist, planner, geologist or hydrogeologist, as part of a development permit application for a use

involving the manufacture, use, storage or transportation of hazardous substances or dangerous goods. The Risk Assessment shall:

- (a) identify hazardous substances and/or dangerous goods and their quantities;
- (b) estimate the likelihood and frequency of a catastrophic event;
- (c) assess the possible consequences of such an event;
- (d) determine annual individual risk and compare to Major Industrial Accidents Council of Canada (MIACC) risk acceptability criteria;
- (e) demonstrate how the proposed facility and operations shall contribute to the following risk management objectives:
  - (i) risk reduction at source (siting of facilities, modifications to processes, conformity to legislation e.g. the Safety Codes Act, the Dangerous Goods Transportation and Handling Act, monitoring, technical changes, training, etc.);
  - (ii) risk reduction through land use planning around industrial Sites and pipeline and dangerous goods corridors;
  - (iii) emergency preparedness;
  - (iv) emergency response; and
  - (v) risk communication and public participation.
- (f) identify and recommend risk-based separation distances and other mitigative measures to reduce risk.

4.18.3 The Development Authority may impose any conditions necessary to mitigate the risks associated with the use or storage of hazard substances or dangerous goods identified in the Risk Assessment.

4.18.4 All development permit applications respecting hazardous substances or dangerous goods shall be referred to the appropriate Provincial agencies for comments prior to a decision being made. Applicants for such uses shall also be required to obtain the applicable licenses or permits, pursuant to provincial or other municipal legislation.

4.18.5 Notwithstanding any other regulations in this Bylaw, any industrial and commercial uses that involve the manufacture, storage, handling, distribution or disposal of dangerous goods and/or hazardous materials or products shall not be located on sites that, in the opinion of the Development Authority, would be considered unsafe or may unduly interfere with, or affect the use, enjoyment or value of neighbouring properties.

4.18.6 Environmental Site Assessments

- (a) The Development Authority may require that an applicant, in support of a subdivision or development permit application, to submit a Phase I Environmental Site Assessment (ESA) for the subject property.
- (b) The Phase I ESA shall be prepared in accordance with Canadian Standards Association requirements, and shall include:
  - (i) an analysis of the subject property in terms of historical use;
  - (ii) a determination of the level and extent of any contamination;
  - (iii) a review of sampling undertaken;
  - (iv) the existence of above and/or below ground tanks; and
  - (v) any other matters deemed necessary by the Development Authority.
- (c) The Phase I ESA will be referred to Alberta Environment for comments.
- (d) If the Phase I ESA determines a likelihood of contamination, a Phase II and III ESA may be required prior to the Development Authority making a decision with respect to the application.

4. That **Section 7 DEFINITIONS** be amended by:

- (a) Revising the definition for Dangerous Goods, as follows:

**Dangerous Goods**

Any products, materials or organisms that are regulated under the *Dangerous Goods Transportation Handling Act* and its regulations, as amended, and are produced, processed, handled, stored, used or disposed of on a site.

- (b) adding the following definition for Hazardous Substance:

**Hazardous Substance**

Includes any chemical, biological or physical agent that, by reason of a property that the agent possess, is hazardous to the safety or health of a person exposed to it, or any product, material or substance that are classified as controlled products under the Hazardous Products Regulations, as amended, and are produced, processed, handled, stored, used or disposed of on a site.

- (c) adding the following Use Class definition for Transloading Facility:

**Transloading Facility**

A facility used for the process of transferring cargo from one form of transport (i.e., truck or pipeline) to another form of transport (i.e., rail or truck). Transloading facility may include storage of materials, but does not include processing or salvage yard.

Where a transloading facility involves the transportation or storage of hazardous substances or dangerous goods, it shall comply with any other applicable regulations.

**SEVERABILITY**

- 5. If any portion of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed.

**EFFECTIVE DATE**

- 6. This Bylaw shall come into force and have effect on the date of third and final reading.

READ A FIRST TIME in Council this 1st day of Nov., 2023.

READ A SECOND TIME in Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

READ A THIRD AND FINAL TIME in Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Tony Van Rootselaar  
Reeve

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Dan Dibbelt  
Chief Administrative Officer