Municipal District of Fairview No. 136
Province of Alberta

Bylaw No. 996/DEV/2022

Being a Bylaw of the Municipal District of Fairview No. 136, in the Province of Alberta, to amend the Municipal District of Fairview No. 136 Land Use Bylaw No. 876.

WHEREAS the Municipal District of Fairview No. 136 has adopted the Municipal District of Fairview No. 136 Land Use Bylaw No. 876 to regulate land use and development in the Municipal District; and

WHEREAS the Council of the Municipal District of Fairview No. 136 may amend the Land Use Bylaw; and

WHEREAS The Council of the Municipal District of Fairview No. 136, in the Province of Alberta, has deemed it desirable to amend the Municipal District of Fairview No. 136 Land Use Bylaw to add uses and related provisions surrounding the development of Data Processing Centre, and to enable the use of Data Processing Centre in the Agricultural Conservation District (AG-1), Agricultural-Industrial District (AG-2) and Rural Industrial District (RM) as Discretionary Uses.

NOW THEREFORE, Pursuant to Sections 230, 606 and 692 of the Province of Alberta Municipal Government Act, the Municipal District of Fairview No. 136 Council, duly assembled, hereby enacts as follows:

<u>**AMENDMENTS**</u>

1. **Add the following to definitions to Section 1.5 DEFINITIONS under Part 1:**

   DATA PROCESSING CENTRE means a building, a shipping container, a dedicated space, or a group of buildings or shipping containers, used to house computer systems, and associated infrastructure and components for the processing of data relating to, but not limited to cryptocurrency, digital currency processing, non-fungible tokens and blockchain transactions.

2. **Add Section 7.32 DATA PROCESSING CENTRE under Part 7, as follows:**

   SECTION 7.32 DATA PROCESSING CENTRE

   (1) Where AUC approval has been applied for, or received, the Development Permit application for a Data Processing Centre shall not be deemed complete until a copy of the approval from AUC has been received by the Municipal District.

   (2) Where AUC approval has been applied for, or received, a copy of the application submitted to the AUC may be used to satisfy some or all the requirements for a Development Permit. The Development Authority may also request additional information be submitted as part of the Development Permit application as outlined under Section 3.4.

   (3) The Development Authority shall require, as a condition of Development Permit approval, that the applicant(s) acquire all necessary Provincial permits and approvals pertinent to the proposed development. Further, the applicant(s) shall be required to supply a

copy of any such Provincial permit or approval to the Municipal District for its records.

(4) The period for a development permit for the operation of a Data Processing Centre shall be at the discretion of Development Authority, based on the scope of the proposed project. In districts where this use is allowed, the Development Authority can set the limit to a maximum of 5 years.

(5) The quality of the design and finishing of the buildings or shipping containers shall be to the satisfaction of the Development Authority.

(6) A noise impact assessment shall be required by the Development Authority. If deemed necessary, a noise mitigation plan may be required by the Development Authority.

(7) The Data Processing Centre and associated power plant shall have a minimum setback of 800 meters from the nearest wall of an existing dwelling unit.

(8) Notwithstanding Section 7.32 (7), the setback may be reduced without requiring a variance if the noise impact assessment and noise mitigation plan is deemed sufficient to the satisfaction of the Development Authority.

(9) In determining the appropriateness and suitability of a site for a proposed Data Processing Centre, with associated power plant, the Development Authority shall consider information required by the AUC as part of applications for power plants, as well as may consider due regard for the following:

a) the purpose of this Bylaw and the purpose of the district in which the development is located and future use of the site;
b) the provisions of the Municipal Development Plan and other relevant statutory plans;
c) relevant guidelines and applications made for provincial approval;
d) conservation of topsoil for agricultural use;
e) conservation of designated historical resources;
f) conservation of trees and maintenance of habitat;
g) protection of environmentally significant and sensitive areas;
h) protection of water bodies and watercourses;
i) safety and potential nuisance effect(s) on adjacent properties.

(10) When evaluating the appropriateness of a proposed Data Processing Centre, the Development Authority shall consider:

a. All surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off. Site grade where the proposed Data Processing Centre is located should retain the natural contour of the land.
b. Suitable fencing may be installed to provide security and discourage trespassing.
c. There must be adequate spacing between equipment and related infrastructure used in the Data Processing Centre to allow firefighting of both forage and electrical fire.

            d. **Landscaping and screening may be required at the discretion of the Development Authority to address any adverse visual impact to nearby residences and public roadway.**

            e. **A weed control plan may be required to the satisfaction of the Municipal District's Agricultural Services Board, or designate.**

            f. **Plans for decommissioning and reclamation which outlines how the sites will be returned to their pre-development state, where required by the AUC, shall be required by the Development Authority.**

(11) Any development shall be designed to mitigate all off-site nuisance factors including excessive noise, odour, traffic, dust, and other impacts to the satisfaction of the Development Authority. A mitigation plan shall be provided at the time of the development permit application to demonstrate that these nuisance factors have been mitigated.

3. **Add "Data Processing Centre" to the following sections:**

   9.5 Agricultural Conservation District (AG-1) (2) (b) Discretionary Uses
   9.6 Agricultural – Industrial District (AG-2) (2) (b) Discretionary Uses
   9.9 Rural Industrial District (RM) (2) (b) Discretionary Uses

4. **Add "Shipping Containers" to the following sections:**

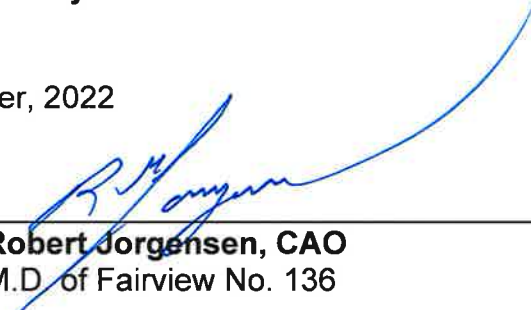   **9.9 Rural Industrial District (RM) (2) (b) Discretionary Uses**

SEVERABILITY

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

ENACTMENT

6. **The adoption of this bylaw is effective upon the date of the passing of the third and final reading of this bylaw.**
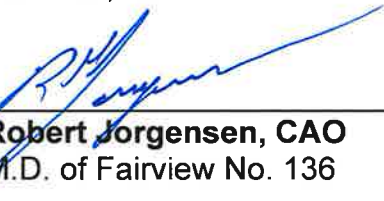
First reading given on the 11th day of October, 2022

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Phil Kolodychuk, Reeve
M.D. of Fairview No. 136

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Robert Jorgensen, CAO
M.D. of Fairview No. 136

Second reading given on the 15th day of November, 2022

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Phil Kolodychuk, Reeve
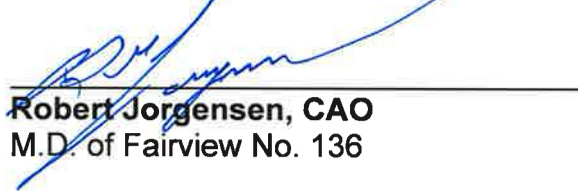M.D. of Fairview No. 136

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Robert Jorgensen, CAO
M.D. of Fairview No. 136

Third reading and adoption given on the 15th day of November, 2022

Phil Kolodychuk, Reeve
M.D. of Fairview No. 136

Robert Jorgensen, CAO
M.D. of Fairview No. 136