

The Municipal District of Willow Creek No. 26

# LAND USE BYLAW NO. 1826

April 2019

Consolidated to Bylaw No. 1989, June 2024



Prepared by



**MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26  
IN THE PROVINCE OF ALBERTA  
BYLAW NO. 1826**

BEING a bylaw of the Municipal District of Willow Creek No. 26 in the Province of Alberta, to adopt a new Land Use Bylaw;

WHEREAS the Council of the Municipal District wishes to adopt a new Land Use Bylaw to comply with the land use provisions established in the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended;

AND WHEREAS the Land Use Bylaw provides for the regulation of the use and development of lands, buildings and structures within the municipality;

AND WHEREAS the purpose of the proposed bylaw is:

- to incorporate the mandatory changes required for land use bylaws prescribed in the Municipal Government Act,
- to incorporate minor revisions,
- to incorporate an expanded number of land use definitions,
- to add additional land use schedules and appendices which will govern specific developments in the municipality;


AND WHEREAS it is deemed expedient and appropriate for the Municipal District of Willow Creek No. 26 to consider Bylaw No. 1826 for the above-noted reasons;

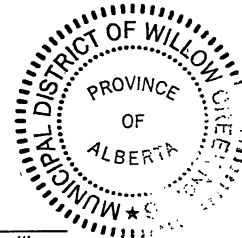
NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council duly assembled does hereby enact the following:

1. Bylaw No. 1616, being the former Land Use Bylaw, and any amendments thereto are hereby rescinded.
2. Bylaw No. 1826 shall come into effect upon third and final reading thereof.
3. Bylaw No. 1826 is hereby adopted.

READ a **first** time this 24<sup>th</sup> day of April, 2019.

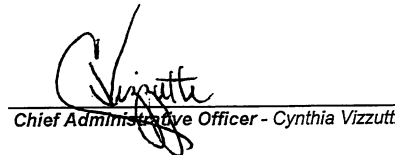
  
Reeve - Maryanne Sandberg

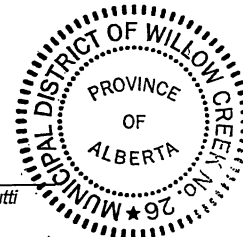
  
Chief Administrative Officer - Cynthia Vizzutti



READ a **second** time this 24<sup>th</sup> day of April, 2019.

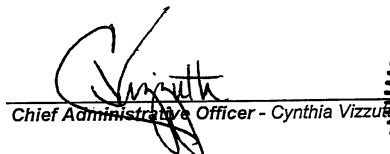
  
Reeve - Maryanne Sandberg

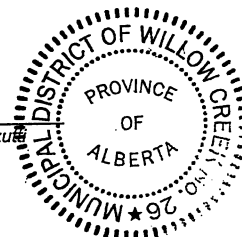
  
Chief Administrative Officer - Cynthia Vizzutti



READ a **third** time and finally PASSED this 24<sup>th</sup> day of April, 2019.

  
Reeve - Maryanne Sandberg

  
Chief Administrative Officer - Cynthia Vizzutti







## Municipal District of Willow Creek No. 26 Land Use Bylaw No. 1826 – Amendments

Bylaw No.	Amendment Description	Legal Description	Passed
1834	"Rural General – RG" to "Vacant Country Residential – VCR"	Portion of NW 27-11-29-W4M	22-May-2019
1835	"Rural General – RG" to "Rural Industrial – RI"	Portion of SE 15-14-27-W4M	12-Jun-2019
1839	"Rural General – RG" to "Vacant Country Residential – VCR"	Portion of SW 17-16-28-W4M	17-Jul-2019
1846	"Rural General – RG" to "Rural Industrial – RI"	Portion of LSD 1, 2 & 8 within SE 14-14-25-W4M	20-Nov-2019
1849	"Rural General – RG" to "Rural Recreational – RR"	Lot 1, Block 1, Plan 9911001	12-Feb-2020
	Updated Appendix C - Fees (as per Bylaw No. 1868)		8-Apr-2020
1867	"Rural General – RG" to "Rural Industrial – RI"	Portion of NE 18-9-26-W4M	13-May-2020
1871	"Rural General – RG" to "Rural Industrial – RI"	Portion of SE/SW 5-17-28-W4M	13-May-2020
1878	"Rural General – RG" to "Rural Agri-Industrial – RAI"	Portion of SE 1-12-27-W4M	8-Jul-2020
1879	"Rural General – RG" to "Rural Agri-Industrial – RAI"	Block 1, Plan 8911073 within SE 1-12-27-W4M	8-Jul-2020
1881	"Rural General – RG" to "Rural Agri-Industrial – RAI"	Portion of NW 10-9-25 W4M	14-Oct-2020
1882	"Rural General – RG" to "Vacant Country Residential – VCR"	S ½ of NE 18-9-24 W4M	14-Oct-2020
Annexation O.C. 383/2020	Order annexing land from the Municipal District of Willow Creek No. 26 to the Town of Claresholm	Annexed from the MD of Willow Creek to the Town of Claresholm: All that portion of the South East Quarter of Section Twenty-Three (23), Township Twelve (12), Range Twenty-Seven (27) West of the Fourth (4) Meridian not within the Town of Claresholm including the North-South Road Allowance adjacent to the East Boundary of said Quarter Section and including all that land adjacent to the East of said Quarter Section lying West of the East Boundary of Plan 941 0195	9-Dec-2020
1887	"Rural General – RG" to "Vacant Country Residential – VCR"	SE. W 34-12-27 W4M; LSD 2 and 7	13-Jan-2021
1889	"Rural General - RG" to "Rural Industrial - RI"	NW 7-9-26 W4M	10-Feb-2021
1890	"Rural General - RG" to "Rural Industrial - RI"	NE 1-9-27 W4M	10-Feb-2021
1893	"Rural General - RG" to "Rural Commercial - RC"	Ptn. NE 23-12-28 W4M	11-August-2021
1908	"Rural General - RG" to "Vacant County Residential - VCR"	NW 29-13-25 W4M	9-June-2021
1909	Redesignation: "Vacant County Residential - VCR" to "Rural Recreational - RR"	Lot 1, Block 1, Plan 1810956 within W 1/2 25-8-26 W4M	8-Sept-2021
1913	"Rural General - RG" to "Grouped County Residential - GCR"	Ptn. NW 13-9-25 W4M	8-Sept-2021
1919	"Rural General - RG" to "Vacant Country Residential - VCR"	Ptn. SE 8-9-24 W4M	12-Jan-2022

Bylaw No.	Amendment Description	Legal Description	Passed
1920	"Rural General - RG" to "Vacant Country Residential - VCR"	Ptn. SW 35-14-26 W4M	12-Jan-2022
1925	"Rural General - RG" to "Grouped Country Residential - GCR"	Ptn. NE 13-9-25 W5M	12-March-2022
1926	Redesignation: "Rural General - RG" to "Rural Industrial - RI"	Ptn. SE 3-9-27 W4M	25-May-2022
1931	Redesignation: "Rural General - RG" to "Rural Commercial - RC"	Lot 1, Block 1, Plan 011 3077 within the South ½ of 16-9-26-W4M	22-Jun-2022
1932	Redesignation: "Rural Commercial - RC" to "Rural General - RG"	Ptn. SW 4-15-27 W4M	25-May-2022
1942	Redesignation: "Rural General – RG" to "Rural Industrial – RI"	Ptn. Lot 3, Block 1, Plan 121 3346 within NW 9-9-26-W4M	22-Feb-2023
1943	<p>Delete "Solar energy system, household", "Solar energy system, agricultural", "Solar energy system, commercial/industrial", "Wind Energy Conversion System (WECS), Category 1", "Wind Energy Conversion System (WECS), Category 2" and "Wind Energy Conversion System (WECS), Category 3" as Permitted or Discretionary Uses in all Schedule 2 Land Use Districts.</p> <p>Add "Solar energy system, individual – roof or wall mounted" as a Permitted Use Rural General – RG, Rural Hamlets – RH, Moon River Estates – MRE, Grouped Country Residential – GCR, Claesholm Industrial Area – CIA, Rural Industrial – RI, Rural Agri Industrial – RAI, Rural Commercial – RC, Reservoir Vicinity – RV, Rural Recreational – RR, Vacant Single Lot Country Residential – VCR and Nanton Urban Fringe – NUF to Schedule 2 Land Use Districts.</p> <p>Add "Solar energy system, individual – ground mounted" as a Permitted Use to the Rural General – RG, Claesholm Industrial Area – CIA, Rural Industrial – RI, Rural Agri Industrial – RAI, Rural Commercial – RC, Reservoir Vicinity – RV, Rural Recreational – RR Schedule 2 Land Use Districts and added as a Discretionary Use to Rural Hamlets – RH, Moon River Estates – MRE, Grouped Country Residential – GCR, Vacant Single Lot Country Residential – VCR and Nanton Urban Fringe – NUF Schedule 2 Land Use Districts.</p> <p>Add "Solar energy system, industrial" as a Discretionary Use to the Claesholm Industrial Area – CIA, Rural Industrial – RI, and Rural Commercial – RC Schedule 2 Land Use Districts.</p> <p>Add "Wind Energy Conversion System, individual" as a Permitted Use to the Rural General – RG, Claesholm Industrial Area – CIA, Rural Industrial – RI, Rural Agri Industrial – RAI, Rural Commercial – RC, Reservoir Vicinity – RV, Rural Recreational – RR Land Use Districts and added as a Discretionary Use to the Rural Hamlets – RH, Moon River Estates – MRE, Grouped Country Residential – GCR, Vacant Single Lot Country Residential – VCR and Nanton Urban Fringe – NUF Schedule 2 Land Use Districts.</p> <p>Add "Wind Energy Conversion System, industrial" as a Discretionary Use to the Rural General – RG and Rural</p>		22-Feb-2023

Bylaw No.	Amendment Description	Legal Description	Passed
	Industrial – RI Land Use Districts and added as a Prohibited Use in the Nanton Urban Fringe – NUF Schedule 2 Land Use District. Amend Schedule 11 Wind Energy Conversion Systems (WECS) and Schedule 12 Solar Energy System and Alternative / Renewable Energy to define distinct categories of wind and solar development based on scale of development, and provide clear standards of development and conditions that may be placed on approved developments.		
1945	Amend Schedule B of Bylaw No. 1943 by striking the word “not” from Section 4.5(b).		29-Mar-2023
Updated Appendix C - Fees (as per Bylaw No. 1951)			14-Jun-2023
1953	Redesignation: “Rural General – RG” to “Vacant Single Lot Country Residential – VCR”	Portion of the Southeast Section 34, Township 10, Range 25, West of the 4 <sup>th</sup> Meridian	27-Sept-2023
1956	Redesignation: “Rural General – RG” to “Rural Industrial – RI”	Portion of Northwest Section 13, Township 12, Range 28, West of the 4 <sup>th</sup> Meridian	25-Oct-2023
1959	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Portion of Northeast Section 5, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1960	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Northwest Section 5, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1961	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Southeast Section 5, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1962	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Southwest Section 5, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1963	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Northeast Section 6, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1964	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Portion of the Northwest Section 6, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1965	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Southeast Section 6, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1966	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Southwest Section 6, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1967	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Northeast Section 7, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1968	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Northwest Section 7, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024

Bylaw No.	Amendment Description	Legal Description	Passed
1969	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Southeast Section 7, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1970	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Southwest Section 7, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1971	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Northeast Section 8, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1972	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Northwest Section 8, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1973	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Southeast Section 8, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1974	"Rural General - RG" to "Direct Control - DC" to accommodate the development of an industrial solar energy project as approved by the Alberta Utilities Commission (AUC Decision 27345-D01-2002).	Southwest Section 8, Township 12, Range 25, West of the 4th Meridian	28-Feb-2024
1983	"Commercial – C1 (Town of Granum Bylaw 2018-05)" to "Direct Control - DC"  "Commercial – C2 (Town of Granum Bylaw 2018-05)" to "Direct Control – DC"  Addition of specific development details for the lands.	Portion from Station Grounds, Plan RY8, within the Northeast Section 31, Township 10, Range 26, West of the 4 <sup>th</sup> Meridian containing approximately 1.08 ha (2.66 ac)  Portion of Station Grounds, Plan RY8, within the Northeast Section 31, Township 10, Range 26, West of the 4 <sup>th</sup> Meridian.	24-Apr-2024
1984	"Public and Institutional (Town of Granum Bylaw No. 2018-05)" to "Direct Control – DC"  Addition of specific development details for the lands.	Portion of Lots 24-26, Block 15, Plan 2469Y within Northeast Section 31, Township 10, Range 26, West of the 4 <sup>th</sup> Meridian	24-Apr-2024
1988	"Rural General – RG" to "Rural Industrial – RI"	Portion of Southwest and Southeast Section 14, Township 14, Range 25, and West of the 4 <sup>th</sup> Meridian	8-May-2024
1989	"Rural General – RG" to "Grouped Country Residential – GCR"	Lot 1, Block 1, Plan 2010116 within Northeast ¼ Section 27, Township 9, Range 26, West of the 4 <sup>th</sup> Meridian	26-Jun-2024





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**APPENDICES**

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**APPENDIX B SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW NO. 1741  
(January 2016)**

**APPENDIX C FEES**

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- Form B NOTICE OF MUNICIPAL PLANNING COMMISSION MEETING
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- Form E SUBDIVISION AND DEVELOPMENT APPEAL BOARD NOTICE OF HEARING OF APPEAL
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- Form G APPLICATION FOR A COUNTRY RESIDENCE OR FARMSTEAD DEVELOPMENT PERMIT
- Form H INTENSIVE LIVESTOCK OPERATION DEVELOPMENT PERMIT APPLICATION
- Form I APPLICATION FOR A LAND USE BYLAW AMENDMENT
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**APPENDIX E 320-26 PRIVATE DRIVEWAY POLICY**

**APPENDIX F AREA STRUCTURE PLAN / CONCEPTUAL SCHEME GUIDELINES**



IN THE PROVINCE OF ALBERTA

## LAND USE BYLAW NO. 1826

The Council of The Municipal District of Willow Creek No. 26 in the Province of Alberta enacts as follows:

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26, IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE AND DEVELOPMENT OF LANDS, BUILDINGS AND STRUCTURES.

THIS BYLAW MAY BE CITED AS THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26 LAND USE BYLAW.

### 1. DEFINITIONS

For Definitions, see Schedule 17.

### 2. DESIGNATED OFFICER

- (1) The office of "designated officer" is established.
- (2) For the purpose of this bylaw, the designated officer shall be the Development Officer, the Manager of Planning and Development, the Chief Administrative Officer or the Municipal Planning Commission.
- (3) Each person appointed to the office of designated officer:
  - (a) shall exercise only such powers and perform duties as are specified in this bylaw or by resolution of Council;
  - (b) is responsible for processing, deciding upon and referring applications for land use redesignations and/or development permit in accordance with this bylaw;
  - (c) shall be considered a "designated officer" pursuant to Sections 210 and 624 of the *Municipal Government Act (MGA)*.
- (4) The designated officer is also responsible for:
  - (a) maintaining a register and recording therein all applications made for development permits and the decisions made with respect to them;



- (b) requesting written comments from building inspectors, other municipal staff and other agencies, as appropriate, prior to issuing a development permit or referring an application to the Municipal Planning Commission;
- (c) the issuance of waivers not exceeding 20 percent of the measurable standards established in this bylaw;
- (d) in consultation with the Superintendent of Public Works, the issuance of setback waivers for trees adjacent to municipal road allowances;
- (e) the issuance of permits for second residences on a parcel, food services catering and signage; and
- (f) carrying out such other duties and responsibilities as may be assigned by resolution of Council.

### **3. MUNICIPAL PLANNING COMMISSION**

The Municipal Planning Commission shall perform only such powers and duties as are specified:

- (a) in the municipality's Subdivision and Development Authority Bylaw;
- (b) in this bylaw,
- (c) in the *Municipal Government Act*, or
- (d) by resolution of Council.

### **4. LAND USE DISTRICTS**

- (1) The municipality is divided into those districts specified in Schedule 1 and shown on the Land Use District Maps.
- (2) The one or more uses of land, buildings or structures identified as:
  - (a) permitted uses in each district, with or without conditions; or
  - (b) discretionary uses in each district, with or without conditions;are described in Schedule 2.
- (3) A land use not listed as a permitted or discretionary use in a district, shall be prohibited.

### **5. DEVELOPMENT PERMIT APPLICATIONS**

- (1) Except as provided in Schedule 3, no person shall commence a development unless he/she has been issued a development permit in respect of the development.
- (2) An application for a development permit shall be made to the designated officer by submitting:
  - (a) a completed application on the appropriate form in Appendix D;
  - (b) where the applicant/landowner is a corporation or a registered company, the results of a current corporate search shall be submitted as part of a development application;





- (c) such other information as may be required by the designated officer in accordance with Section 29 of this bylaw; and
  - (d) the fee prescribed in Appendix C.
- (3) An application for a development permit shall be made by the owner of the land on which the development is proposed or, with the written consent of the owner, by another person.

## **6. DETERMINATION OF COMPLETE DEVELOPMENT PERMIT APPLICATION**

- (1) The designated officer shall, within 20 days after the receipt of an application in accordance with Section 5(2) for a development permit, determine whether the application is complete.
- (2) An application is complete if, in the opinion of the Development Officer, the application contains the documents and other information necessary to review the application.
- (3) The time period referred to in subsection (1) may be extended by an agreement in writing between the applicant and the designated officer.
- (4) If the designated officer does not make a determination referred to in subsection (1) within the time required under subsection (1) or (3), the application is deemed to be complete.
- (5) If a designated officer determines the application is complete, the designated officer shall issue to the applicant a written Notice of Completeness acknowledging the application is complete, delivered by hand, mail or electronic means.
- (6) If the designated officer determines the application is incomplete, the designated officer shall issue to the applicant a written notice indicating the application is incomplete and specifying the outstanding documents and information to be provided, including but not limited to those required by Section 29. A submittal deadline for the outstanding documents and information shall be set out in the notice. A later date may be agreed on between the applicant and the designated officer, in writing, to extend the deadline.
- (7) When the designated officer determines the information and documents required to be submitted under subsection (6) are complete, the designated officer shall issue to the applicant a written Notice of Completeness acknowledging the application is complete, delivered by hand, mail or electronic means.
- (8) If the required documents and information under subsection (6) have not been submitted to the designated officer within the timeframe prescribed in the notice issued under subsection (6), the designated officer shall return the application to the applicant accompanied by a written Notice of Refusal stating the application is deemed refused and the reasons for refusal.
- (9) Despite issuance of a Notice of Completeness under subsection (5) or (7), the Municipal Planning Commission in the course of reviewing the application may request additional information or documentation from the applicant the Municipal Planning Commission considers necessary to review the application.



## **7. PERMITTED USE APPLICATIONS**

- (1) Upon receipt of a completed application for a development permit for a permitted use, the designated officer shall, if the application otherwise conforms with this bylaw, issue a development permit with or without conditions.
- (2) The designated officer may refer any application for a permitted use to the Municipal Planning Commission for a decision.
- (3) All development approvals granted by the designated officer in accordance with subsection (1) above shall be summarized and filed with the Municipal Planning Commission at their next regularly scheduled meeting.
- (4) The designated officer, in the case of a permitted use, or the Municipal Planning Commission, in the case of a discretionary use, shall impose planning conditions in accordance with Section 650 of the *Municipal Government Act* on any development permit and may impose other conditions including but not limited to:
  - (a) adherence to conditions or permits required by federal and provincial government agencies;
  - (b) adherence to conditions contained in an applicable intermunicipal development plan, area structure plan or intermunicipal area structure plan;
  - (c) obtaining and complying with safety codes permits;
  - (d) filing a copy of safety code permits and compliance documents with the municipality;
  - (e) obtaining and adhering to engineered plans, storm water drainage plans, traffic impact assessment plans, environmental impact assessments, and filing copies of the plans with the municipality;
  - (f) obtaining a variance or waiver regarding parcel size, setbacks from municipal roadways and road allowances if required; and
  - (g) entering into a development agreement for registration on title.

## **8. DISCRETIONARY USE APPLICATIONS**

- (1) Upon receipt of a completed application for a discretionary use under Section 8, the Municipal Planning Commission or the designated officer shall notify:
  - (a) in accordance with Section 9, those persons likely to be affected by the issue of a development permit; and
  - (b) adjacent municipalities of the proposed development, in writing.
- (2) Upon receipt of a completed application for a development permit for a development which does not comply with this bylaw, but in respect of which the Municipal Planning Commission is requested by the applicant to exercise discretion under Section 19, the designated officer shall submit the application to the Municipal Planning Commission.



- (3) Upon receipt of an application under subsection (2), and if the designated officer or the Municipal Planning Commission is prepared to exercise discretion under Section 18, it shall notify, in accordance with Section 8, those persons likely to be affected.

## **9. NOTIFICATION**

- (1) Upon receipt of an application under Sections 8 or 19, the Municipal Planning Commission may, prior to a decision, notify any person(s) likely to be affected as follows:
  - (a) a written notice shall be mailed by the designated officer to a person(s) who may be affected; or
  - (b) the designated officer shall post a notice of application conspicuously on the property for which the application has been made; or
  - (c) the designated officer shall ensure a notice is published in a newspaper circulating in The Municipal District of Willow Creek No. 26; or
  - (d) the designated officer shall hand deliver a notice of the application to a person(s) likely to be affected by the proposal; or
  - (e) any combination of (a), (b), (c) and (d).
- (2) In all cases, notification shall:
  - (a) describe the nature and location of the use;
  - (b) state the time and place where the Municipal Planning Commission shall convene a meeting to consider the application as well as any oral or written submissions by the applicant or other affected parties.
- (3) A person notified in accordance with Section 9 or any other person who considers they may be affected by an application, may submit written comments to the Municipal Planning Commission if they wish those comments to be read into the record.
- (4) A minimum of ten (10) days notice shall be provided to persons notified under this Section.
- (5) The Municipal Planning Commission, or the designated officer, may establish notification distances for any application which requires any persons likely to be affected by the issuance of a discretionary development permit to be notified.
- (6) Notification shall be in accordance with any adopted Intermunicipal Development Plan.
- (7) If, in the opinion of the designated officer or the Municipal Planning Commission, a proposed development is of a significant magnitude or has potential impact, it may decide to place a notice in one or more newspapers advertising the time, date and place where the development permit will be heard by the Municipal Planning Commission prior to rendering a decision on the application.



## **10. NOTIFICATION OF DEVELOPMENT PERMIT ISSUED**

The designated officer shall notify the applicant and those persons notified under Section 8 and any other person likely to be affected by the development:

- (a) by mail, or
- (b) by placing an advertisement in a local newspaper circulating in the municipality, or
- (c) by posting a notice in a conspicuous place on the property, or
- (d) a combination of the above.

## **11. VALIDITY OF A DEVELOPMENT PERMIT**

- (1) Unless a development permit is suspended, cancelled or expired, it shall remain in effect for 24 months from the date of approval issued by the designated officer, Municipal Planning Commission or the Subdivision and Development Appeal Board.
- (2) A development permit may be extended for an additional 12 months for a total of 36 months from the date of approval issued by the designated officer or the Municipal Planning Commission.
- (3) When any use has been discontinued for a period of 24 months or more, any previously issued development permit is no longer valid and said use may not be recommenced:
  - (a) until a new application for a development permit has been made and a new development permit issued; or
  - (b) in the case where a development was commenced prior to the adoption of a land use bylaw and a permit was never issued, an application for a development permit must be made and a valid development permit issued.

## **12. DEVELOPMENT AGREEMENTS**

A development agreement pursuant to the *Municipal Government Act* may be required as a condition of a development permit or a subdivision approval.

## **13. PRIVATE DRIVEWAYS**

As a condition of a development or subdivision approval, the Municipal Planning Commission may require access and/or egress to a proposed development be in accordance with the Private Driveway Policy.

## **14. REAPPLICATION**

If a decision on an application for a development permit has been refused by the designated officer, the Municipal Planning Commission or the Subdivision and Development Appeal Board, another application for development:

- (a) on the same lot, and





- (b) for the same or a similar use,  
may not be accepted for at least six (6) months after the date of refusal.

## **15. APPEALS**

- (1) Any person affected by a decision of the Municipal Planning Commission or the designated officer has the right pursuant to the *Municipal Government Act*, to appeal said decision to the Subdivision and Development Appeal Board.
- (2) An appeal to the Subdivision and Development Appeal Board shall be commenced by serving a written notice of the appeal to the Subdivision and Development Appeal Board within 21 days after:
  - (a) a person is notified of an order or decision or the issuance of a development permit; or
  - (b) the date on which the notice of the issuance of a development permit was given in accordance with Section 10 of this bylaw; or
  - (c) the expiration of the 40-day period for a decision to be made and any extension of the time period in accordance with Section 9 of this bylaw has expired.

## **16. COMMENCEMENT OF DEVELOPMENT**

Notwithstanding the issue of a development permit, no development authorized by the issue of a permit shall commence:

- (a) until at least 21 days after the date of notification of the issuance of the permit; or
- (b) if an appeal is made, until the appeal is decided upon.

## **17. TRANSFER OF DEVELOPMENT PERMIT**

- (1) A valid development permit is transferable where the use remains unchanged and the development is affected only by a change in ownership, tenancy or occupancy.
- (2) When any use has been discontinued for a period of 24 months or more, any previously issued development permit is no longer valid and said use may not be recommenced until a new application for a development permit has been made and a new development permit issued.

## **18. DEEMED REFUSAL / FAILURE TO RENDER DECISION**

In accordance with Section 684 of the *Municipal Government Act*, an application for a development permit shall, at the option of the applicant, be deemed to be refused when the decision of the designated officer or the Municipal Planning Commission, as the case may be, is not made within 40 days of receipt of the completed application by the municipality, unless the applicant has entered into an agreement with the designated officer to extend the 40-day period.

## **19. NON-COMPLIANCE WITH LAND USE BYLAW/WAIVERS**

- (1) The Municipal Planning Commission and the designated officer are authorized to decide upon an application for a development permit notwithstanding the proposed development does not comply with the measurable standards of this bylaw if, in the opinion of the Municipal Planning Commission or the designated officer:
  - (a) the proposed development would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use or enjoyment or value of neighbouring properties; and
  - (b) the proposed development conforms with the use prescribed for the land or building in Schedule 2.
- (2) The designated officer may exercise discretion under Section 19 in respect of the following matters:
  - (a) granting of minor setback waivers;
  - (b) approval of minor deviations from approved site plans;
  - (c) imposing conditions on permitted uses in order to ensure a proposed use will comply with provisions of the bylaw, the municipal development plan or any other statutory plan.

## **20. ADDITIONAL CONDITIONS OF APPROVAL**

The designated officer or Municipal Planning Commission may impose any conditions considered necessary to ensure the development complies with this bylaw or any statutory plan.

## **21. SUSPENSION OF A DEVELOPMENT PERMIT**

- (1) The designated officer, the Municipal Planning Commission or the Subdivision and Development Appeal Board may suspend or cancel the development permit stating the reasons for any suspension or cancellation, in writing, if it becomes aware:
  - (a) the application for the development permit contained misrepresentations; or
  - (b) facts concerning the application or the development were not disclosed, and which should have been disclosed at the time the application was considered, have subsequently become known.
- (2) If a development permit is suspended, the applicant may appeal the suspension to the Subdivision and Development Appeal Board and the Subdivision and Development Appeal Board shall:
  - (a) reinstate the development permit; or
  - (b) reinstate the development permit with conditions; or
  - (c) cancel the development permit if the designated officer or the Municipal Planning Commission would not have issued the development permit if the facts disclosed would have been known at the time the designated officer or the Municipal Planning Commission made the original decision.



## **22. STOP ORDERS**

The designated officer or the Municipal Planning Commission may issue a stop order in accordance with Section 645 of the *Municipal Government Act*.

## **23. SIMILAR USES**

Where a use is applied for which is not specifically considered in a land use district but, in the opinion of the designated officer and/or the Municipal Planning Commission, is similar in character and purpose to another permitted or discretionary use in the land use district in which such use is proposed, the designated officer or the Municipal Planning Commission may:

- (a) rule the proposed use is a permitted or discretionary use in the land use district in which it is proposed; and
- (b) direct a development permit be issued with or without conditions.

## **24. TEMPORARY PERMITS**

When a proposed use is of a temporary or discretionary nature, the designated officer or the Municipal Planning Commission may:

- (a) issue a temporary development permit valid for a period it considers appropriate; and
- (b) require the applicant to post a guarantee for the cessation or removal of the use and any associated development.

## **25. NUMBER OF DWELLING UNITS ON A PARCEL**

No person shall construct or locate more than two dwelling units on a parcel unless the Municipal Planning Commission issues a development permit.

## **26. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

Development not requiring a development permit is specified in Schedule 3.

## **27. NON-CONFORMING BUILDINGS AND USES**

A non-conforming building or use may be continued in accordance with the conditions detailed in Section 643 of the *Municipal Government Act*.

## **28. NON-CONFORMING USE VARIANCES**

The Municipal Planning Commission is authorized to exercise minor variance powers with respect to non-conforming buildings pursuant to Section 643(5)(c) of the *Municipal Government Act*.

## **29. ADDITIONAL APPLICATION INFORMATION REQUIREMENTS**

The designated officer shall require proof of ownership, or written authorization by the owner for a developer, to make an application for a development permit. The designated officer may require proof of locations of abandoned oil and gas wells, geotechnical information, results of percolation



tests, soil stability tests, or preparation of an area structure plan, prior to a decision being made regarding the development application.

### **30. ADDITIONAL DEVELOPMENT APPROVALS**

The issuance of a development permit by the designated officer or the Municipal Planning Commission does not preclude the applicant and/or his/her agent from obtaining any additional municipal, provincial or federal approvals required.

### **31. SEPARATION DISTANCE CALCULATIONS**

For the purpose of this bylaw, unless specifically waived, all separation distance calculations shall be consistent with the processes and formulas established in the *Agricultural Operation Practices Act (AOPA)*.

### **32. NOTIFICATION TO ADJACENT MUNICIPALITIES**

A draft version of any proposed:

- (a) new land use bylaw; or
- (b) statutory plan; or
- (c) urban fringe land use district and associated schedules; or
- (d) land use bylaw amendment which involves either a fringe land use district or a part of any other district lying 2 miles (3.2 km) or a distance established in an intermunicipal development plan;

shall be sent to the adjacent municipality concerned for comments and regard shall be had to any comments received prior to amendment of this bylaw.

### **33. LAND USE REDESIGNATIONS**

If an application for a land use redesignation is refused by the Council, another application for a redesignation may not be accepted for at least six (6) months after the date of refusal unless an application for a waiver of the time restriction is approved by Council.

### **34. RESCINDING LAND USE REDESIGNATIONS**

- (1) Council may rescind an amending bylaw redesignating certain lands within the municipality to accommodate a proposed subdivision and/or development. Council may rescind the redesignation bylaw and rezone the lands back to their original designation if:
  - (a) the proposed subdivision has not been applied for, decided upon or extended; and/or
  - (b) the proposed development has not been applied for, decided upon, commenced or extended after 24 months of the date the redesignation bylaw receiving third and final reading.
- (2) The rescinding of the redesignation bylaw shall be undertaken in accordance with Section 191 of the *Municipal Government Act*.



### **35. SCHEDULES, MAPS AND APPENDICES**

- (1) Schedules 1 through 18 form part of this bylaw.
- (2) Appendices A through F do not form part of this bylaw and are for information and guidance purposes only.

### **36. AMENDMENT OR REPEAL OF BYLAW**

The procedure for amendment or repeal of this bylaw is prescribed under Sections 191, 230, 606 and 692 of the *Municipal Government Act*.

### **37. PENALTIES**

Every person who contravenes a provision of this bylaw is guilty of an offence under Section 566 of the *Municipal Government Act* and is liable to a fine of not more than \$10,000.00 or to imprisonment for not more than one year, or to both.

### **38. DEVELOPMENT IN FLOODWAYS**

In addition to the adopted Municipal District Flood Mapping, all development located in an identified floodway within the municipality shall comply with the *Flood Recovery and Reconstruction Act*, and any subsequent regulations established by the Lieutenant Governor in Council and Section 693.1 of the *Municipal Government Act*.

### **39. ADOPTION OF BYLAW**

- (1) The Municipal District of Willow Creek No. 26 Land Use Bylaw No. 1616, as amended, is hereby repealed.
- (2) This bylaw comes into effect upon the final passing thereof.







*MD of Willow Creek*

**Schedule 1**

**LAND USE DISTRICTS**

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## LAND USE DISTRICTS

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### 1. LAND USE DISTRICTS

(1) The Municipal District of Willow Creek No. 26 is divided into those districts in Schedule 2 as drawn on the Land Use Districts Maps in Schedule 18.

(2) Each district on the Land Use Districts Maps shall be known by the following identifying symbols:

RURAL GENERAL	– RG
RURAL HAMLETS	– RH
MOON RIVER ESTATES	– MRE
GROUPED COUNTRY RESIDENTIAL	– GCR
CLARESHOLM INDUSTRIAL AREA	– CIA
RURAL INDUSTRIAL	– RI
RURAL AGRI INDUSTRIAL	– RAI
RURAL COMMERCIAL	– RC
FLOOD DAMAGE REDUCTION	– FDR
RESERVOIR VICINITY	– RV
RURAL RECREATIONAL	– RR
VACANT COUNTRY RESIDENTIAL	– VCR
NANTON URBAN FRINGE	– NUF

### 2. DESIGNATED HAMLETS

The following are named as Designated Hamlets for the purpose of this bylaw:

- Moon River Estates
- Orton
- Parkland
- Woodhouse

and the boundaries of the above shall be in accordance with the Land Use Districts Maps of this bylaw.





Schedule 2

**LAND USE DISTRICT REGULATIONS**

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## LAND USE DISTRICT REGULATIONS

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### RURAL GENERAL – RG

#### INTENT

The intent of this land use district is to provide for the protection of agricultural land by limiting and regulating development other than cultivation or grazing, through the following permitted, discretionary and prohibited land uses.

#### 1. LAND USES

(1) **Permitted Uses\***

- Accessory buildings
- Accessory structures
- Farmstead
- Home occupation, minor
- Mobile home
- Modular home
- Primary residence
- Ready to move structure (RTM)
- Residential addition, porch, veranda
- Solar energy system, individual – ground mounted
- Solar energy system, individual – roof or wall mounted
- Sea can for storage use
- Secondary residence
- Wind Energy Conversion System, individual

(2) **Discretionary Uses**

- Abattoir
- Airplane hangar
- Airport site or airstrip
- Alternative/renewable energy
- Animal care service, large
- Animal care service, small
- Aquaculture operation
- Archery range, private
- Artificial insemination facility
- Bed and breakfast
- Cabin

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\* See Schedule 3, Development Not Requiring a Development Permit





Cemetery  
Church  
Community facility  
Day care facility  
Duplex  
Employee housing  
Family campground  
Farm supplies and service  
Food processing  
Food service/catering  
Garage suite  
Garden center  
Garden suite  
Greenhouse  
Guest ranch  
Helipad  
Heliport site  
Holiday trailer and RV storage  
Home care service  
Home occupation, major  
Household repair service  
Intensive horticulture  
Intensive livestock operation  
Kennel - Category 1 and 2  
Lodge  
Market garden  
Moved-in building for non-farm use  
Multi-family unit  
Office  
Outdoor storage  
Private riding stable and arena  
Private rifle range  
Private rodeo grounds  
Public and private institutional use  
Public and private utility  
Public park and recreation  
Ready-to-move structure (RTM)  
Recreation vehicle storage  
Residential addition within the minimum distance separation  
School  
Sea can storage  
Sign  
Sod farm  
Sports club  
Subsequent residence  
Surveillance suite



Taxidermy  
Tourist home  
Towers  
Travel agency  
Vehicle service and repair  
Visitor accommodation  
Warehouse store  
Warehouse  
Welding shop  
Wind Energy Conversion System, industrial  
Workshop

(3) **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

**2. PARCEL AND LOT SIZES**

(1) **Extensive Agriculture**

- (a) existing parcels;
- (b) 64.75 ha (160 acres) or an unsubdivided quarter section.

(2) **Farmsteads**

- (a) existing parcels;
- (b) minimum of 1.21 ha (3 acres);
- (c) maximum of 4.05 ha (10 acres);
- (d) at the discretion of the Municipal Planning Commission for fragmented parcels.

(3) **Horticultural Uses**

- (a) existing parcels;
- (b) minimum of 1.21 ha (3 acres);
- (c) at the discretion of the Municipal Planning Commission for fragmented parcels.

(4) **Intensive Livestock Operations / Confined Feeding Operations**

The parcel size shall remain the same size for which the development approval was originally issued.

(5) **Vacant Country Residential**

- (a) existing parcels;
- (b) minimum of 1.21 ha (3 acres);
- (c) maximum of 2.02 ha (5 acres).

(6) **All Other Uses**

Parcel and lot sizes for all other land uses shall be determined by the Municipal Planning Commission after consideration of comments from relevant agencies and in accordance with, but not limited to, the *Municipal Government Act*, a regional plan, the Subdivision and Development Regulation, this Land Use Bylaw, the Municipal Development Plan and any other applicable legislation or regulations.

**3. MINIMUM SETBACK REQUIREMENTS**

- (1) All buildings, structures and development other than cultivation or grazing shall be setback from lot or parcel boundaries at least:
  - (a) 22.86 m (75 feet) from the right-of-way of any developed or undeveloped roadway not designated as a highway in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;
  - (b) such distances as required by Alberta Transportation for roads designated as highways in the Memorandum of Agreement;
  - (c) any greater distance which may be required by the designated officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication, and reduce potential snow drifting, or vision restrictions;
  - (d) at least 6.1 m (20 feet) from adjacent property lines.
- (2) The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use may be incompatible with the residential use.
- (3) All buildings, structures and development other than extensive cultivation or grazing on parcels having frontage on a primary highway may have special requirements for setback, access and service roadways imposed as a condition of approval by the Municipal Planning Commission in accordance with the requirements of Alberta Transportation and the *Highways Development and Protection Act, Chapter H-8.5, Revised Statutes of Alberta 2004, as amended*.
- (4) All buildings, structures and development to be located in close proximity to an escarpment, coulee break, river bank or other geographical feature may have special requirements for setback as determined by the Municipal Planning Commission.
- (5) The Municipal Planning Commission, or the Subdivision and Development Appeal Board, shall require the developer to meet or exceed the Minimum Distance Separation (MDS) requirements, unless waived, as calculated by the designated officer or representatives of the appropriate government department for all developments which propose to:
  - (a) construct a new intensive livestock operation;
  - (b) expand or add to an existing intensive livestock operation;
  - (c) construct or relocate a country residence or dwelling unit in close proximity to an existing intensive livestock operation or confined feeding operation.



- (6) At its discretion, the Municipal Planning Commission, or on appeal the Subdivision and Development Appeal Board, may allow for residential additions to existing dwellings located within the MDS calculation of an Intensive Livestock Operation pursuant to Section 643(5)(c) of the *Municipal Government Act*.

#### **4. SITE COVERAGE**

Unless specified elsewhere in this bylaw, the maximum site coverage percentage of buildings and structures on the parcel shall be as determined by the Municipal Planning Commission.

#### **5. EXTENSIVE AGRICULTURE LAND USES**

The minimum parcel size for extensive agriculture shall be 64.75 ha (160 acres), less any registered exceptions from a quarter section title consisting of:

- (a) a highway, municipal roadway, canal, irrigation ditch, easement or right-of-way; or
- (b) any other area of land use for public use; or
- (c) a country residential parcel not greater than 4.05 ha (10 acres) in size.

#### **6. FARMSTEAD LAND USES**

The site of a farmstead or primary farm residence may be approved to create a separate parcel provided:

- (a) the area of the proposed lot shall be a minimum of 1.21 ha (3 acres) but no greater than:
  - (i) a maximum of 4.05 ha (10 acres); or
  - (ii) the area described in a fragmented parcel;
- (b) the area of the proposed lot shall be limited by the location or extent of physical characteristics including access to the proposed lot;
- (c) the proposed lot on which the farmstead is located and the proposed residual lot both have direct legal or physical access to a public roadway;
- (d) the access is satisfactory to Alberta Transportation where the access is within 304.80 m (1,000 feet) of a designated highway;
- (e) the access is satisfactory to the Municipal Planning Commission in the case of other public roadways;
- (f) the size and location of the proposed lot will not significantly affect any irrigation system in the area;
- (g) any residual lot created is at least 56.66 ha (140 acres) in area.

#### **7. EXISTING PARCELS**

The enlargement, reduction or realignment of an existing separate parcel may be approved if:

- (a) the additional lands required are to accommodate existing or related improvements;

- (b) the proposal is to rectify or rationalize existing habitational, occupancy, cultivation or settlement patterns;
- (c) no additional parcels are created over and above those presently in existence;
- (d) the proposed new lot and residual lot will continue to have legal and physical access to a public roadway, adequate development setbacks, and a suitable building site; and
- (e) the size, location and configuration of the proposed lot will not significantly affect any irrigation or transportation system in the area.

## **8. HORTICULTURAL USES AND INTENSIVE AGRICULTURAL OPERATIONS**

- (1) The site of a horticultural use may be approved for development, expansion, or for the creation of a separate parcel provided:
  - (a) the area of the proposed parcel shall be a minimum of 1.21 ha (3 acres);
  - (b) the proposed location is suitable for and will be developed for the proposed use within a period of one year;
  - (c) the proposed use or operation will be developed in such a manner no run-off water can directly enter any waterbody, watercourse, groundwater, irrigation system, public roadway ditch or riparian area;
  - (d) there will be adequate provision for waste treatment, temporary waste storage facilities and arrangements for waste disposal on the operator's own land or any other land, in accordance with standards set by the appropriate provincial departments; and
  - (e) the proposed use otherwise complies with legislation and regulations relating to such uses.
- (2) Before considering an application to develop or expand an intensive livestock operation, the designated officer or the Municipal Planning Commission shall notify in accordance with the procedures established by this bylaw:
  - (a) all owners of land located within 2 miles (3.2 km), or such greater distance as established by the Municipal Planning Commission, of the proposed development or lot;
  - (b) Natural Resources Conservation Board;
  - (c) the appropriate health authority;
  - (d) any adjacent rural municipality or a town or village, if the proposed use is less than 3.2 km (2 miles) from the boundary of the municipality;
  - (e) any other person the Municipal Planning Commission and/or the designated officer determines is likely to be affected; and
  - (f) any other entity identified in a duly adopted Intermunicipal Development Plan.
- (3) Before rendering a decision on any application to develop or expand an intensive livestock operation, the Municipal Planning Commission, or on appeal, the Subdivision and Development Appeal Board, shall ensure:



- (a) the Minimum Distance Separation (MDS) requirements are met or exceeded in all instances, as outlined in the most recent Agricultural Operation Practices Act;
  - (b) the proposed operation can provide at least 120 percent of the recommended land base outlined in the Agricultural Operation Practices Act for manure disposal; and
  - (c) the operation can provide a minimum of one year storage capacity on site for the storage and/or retention of manure, or as recommended by the appropriate provincial departments.
- (4) The designated officer or the Municipal Planning Commission, as a condition of approval of any application to develop or expand an intensive livestock operation, may attach special conditions as considered necessary to those applications located in the following areas:
  - (a) less than 3.2 km (2 miles) from a town, village or designated hamlet;
  - (b) less than 3.2 km (2 miles) from a provincial, regional or municipal park or recreation area;
  - (c) less than 3.2 km (2 miles) from an existing or approved grouped country residential development;
  - (d) less than 3.2 km (2 miles) from either side of a designated highway, unless provided for in an area structure plan approved by Alberta Transportation;
  - (e) within such distance of other roads such as designated scenic, tourist or recreational access roads as established in a municipal bylaw; or
  - (f) adjacent to an environmentally significant area, regionally sensitive area, riparian area or a waterbody.
- (5) The designated officer or the Municipal Planning Commission, as a condition of approval of any application to develop or expand an intensive livestock operation, may:
  - (a) limit the maximum number of animals per acre as a condition of a development permit;
  - (b) require the acquisition of a satisfactory assessment as issued by the Natural Resources Conservation Board;
  - (c) require periodic inspections by the designated officer be made to verify continuing conformity with all conditions of the development permit; and
  - (d) require incorporation or direct injection of manure.
- (6) An existing intensive livestock operation duly commenced prior to any municipal land use planning regulations or bylaws shall be allowed to operate in its present state until such time the use has been discontinued for a period of at least 24 months or when the operation undertakes an expansion.
- (7) An existing intensive livestock operation duly commenced and authorized by the issuance of a development permit under a previous land use bylaw which does not meet the present development criteria shall be allowed to operate in its present state until such time as the use has been discontinued for a period of at least 24 months or when the operation undertakes an expansion.

## 9. COUNTRY RESIDENTIAL LAND USES

The site of a single country residence may be recommended for approval to create a separate parcel from an unsubdivided quarter section provided:

- (a) the area of the proposed lot shall be a minimum of 1.21 ha (3 acres) and in general shall be as small as possible in order to conserve agricultural land, but in any instance, no greater than a maximum of 4.05 ha (10 acres);
- (b) the area of the proposed lot shall be limited by the location and extent of physical characteristics and land required for physical access to the proposed lot;
- (c) the proposed single residential lot is suitable for the proposed use;
- (d) the proposed single residential lot is or can be serviced to the satisfaction of the Municipal Planning Commission;
- (e) the proposed lot on which the country residence is located and the proposed residual lot both have direct legal or physical access to a public roadway;
- (f) the access is satisfactory to Alberta Transportation where the access is onto or within 304.8 (1,000 feet) of a designated highway;
- (g) the access is satisfactory to the Municipal Planning Commission;
- (h) the size and location of the proposed lot will not significantly affect any irrigation system in the area;
- (i) the residence located on the proposed single residential lot is at least 0.8 km (½ mile) from a noxious industry;
- (j) any residual lot created is at least 56.66 ha (140 acres) in area; and
- (k) the residence on the proposed lot meets or exceeds the raw Minimum Distance Separation (MDS) requirement, unless waived, from an existing intensive livestock operation, as it appears in the most recent edition of the *Agricultural Operation Practices Act*.

## 10. RIVER VALLEYS AND SHORELANDS

- (1) Before approving any application to locate or expand any land use in or adjacent to a river valley or shoreland area which requires a land use bylaw waiver, the Municipal Planning Commission shall refer such an application to any local, regional, provincial or federal government agency.
- (2) No application to locate or expand any land use in or adjacent to a river valley or shoreland area shall be approved unless, in the opinion of the Municipal Planning Commission, the proposal will not:
  - (a) be located in a flood prone area;
  - (b) cause soil erosion or damage to a river bank;
  - (c) cause deterioration of water quality;
  - (d) hinder the flow of water to the river;



- (e) be detrimental to an environmentally significant area, regionally sensitive area, critical wildlife zone, riparian area or a waterbody;
- (f) have a detrimental effect on adjoining or nearby agricultural operations if the proposed development is for a non-agricultural use;
- (g) have a detrimental effect on existing or proposed recreation areas; and
- (h) have a detrimental effect on existing or proposed irrigation canals or water diversion structures.

#### **11. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES**

- (1) No application to locate or expand any land use shall be approved unless, in the opinion of the Municipal Planning Commission, the proposed use will not have a detrimental effect on any:
  - (a) transportation or communication systems, including designated highways, municipal roadways, railways, airport sites or communication facilities;
  - (b) an environmentally significant area, regionally sensitive area, critical wildlife zone, riparian area, waterbody, area of historic or archaeological significance; or
  - (c) utility facilities, including irrigation works, pipelines and transmission lines.
- (2) Any application for development located in the vicinity of a sour gas pipeline shall be circulated to the appropriate government department for comment.

**12. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**13. MOBILE/MODULAR HOME DEVELOPMENT STANDARDS** – See Schedule 5.

**14. MODULAR HOME COMMUNITY STANDARDS** – See Schedule 6.

**15. MOVED-IN BUILDINGS** – See Schedule 7.

**16. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 8.

**17. SIGN REGULATIONS** – See Schedule 9.

**18. HOME OCCUPATIONS** – See Schedule 10.

**19. WIND ENERGY CONVERSION SYSTEMS** – See Schedule 11.

**20. SOLAR ENERGY SYSTEMS AND ALTERNATIVE/RENEWABLE ENERGY** – See Schedule 12.

**21. KENNEL REGULATIONS** – See Schedule 13.

**22. INTENSIVE LIVESTOCK OPERATIONS** – See Schedule 16.

**23. FEES** – See Appendix C.







## **RURAL HAMLETS – RH**

### **Designated Hamlets of Orton, Woodhouse and Parkland**

#### **INTENT**

The intent of this land use district is to provide for the orderly urban expansion of designated hamlets and to ensure the non-residential uses do not interfere with the amenities of residential areas, through the regulation of the following permitted, discretionary and prohibited uses.

#### **1. LAND USES**

##### **(1) Permitted Uses\***

- Accessory buildings
- Accessory structures
- Home occupation, minor
- Mobile home on permanent foundation
- Modular home
- Modular home on permanent foundation
- Ready-to-move structure (RTM)
- Residential addition
- Single family dwelling
- Solar energy system, individual – roof or wall mounted

##### **(2) Discretionary Uses**

- Amusement arcade
- Animal care service, small
- Apartment and multi-family dwelling
- Archery range, private
- Auto sales and/or service
- Bed and breakfast
- Boarding house
- Cabin
- Cemetery
- Church
- Club house
- Commercial use
- Community facility
- Condominium
- Day care facility
- Duplex
- Entertainment establishment
- Equipment sales, rental and service
- Family campground
- Food processing

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\* See Schedule 3, Development Not Requiring a Development Permit.



Food service/catering  
Freight terminal  
Garage suite  
Garden center  
Garden suite  
General storage and warehouse  
Grain elevator and accessory office  
Guest house  
Highway commercial use  
Holiday trailer and RV park  
Holiday trailer and RV storage  
Home care service  
Home occupation, major  
Hotel and motel  
Household repair service  
Intensive horticulture  
Kennel - Category 1 and 2  
Laundromat  
Market garden  
Mobile home  
Modular and mobile home park  
Moved-in building  
Multi-family dwelling  
Office  
Outdoor vehicle storage  
Personal care service  
Private riding stable and arena  
Public and private institutional use  
Public and private recreation  
Public and private utility  
Ready-to-move structure (RTM)  
Recreational use  
Restaurant and lounge  
Retail outlet  
Rowhouse  
School  
Sea can for storage use  
Secondary residence  
Semi-detached dwelling  
Senior citizen housing  
Service station  
Sign  
Solar energy system, individual – ground mounted  
Sports club  
Surveillance suite  
Taxidermy



- Tourist home
- Tower
- Travel agency
- Vehicle service and repair
- Warehouse store
- Warehousing
- Welding shop
- Wind Energy Conversion System, individual
- Workshop

**(3) Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

**2. PARCEL AND LOT SIZES**

(1) The following minimum standards apply to all permitted and discretionary uses:

Use	Width		Length		Area	
	m	ft.	m	ft.	m <sup>2</sup>	sq. ft.
For lots serviced by:						
Municipal sewer only	30.48	100	30.48	100	929.00	10,000
Municipal water only	30.48	100	30.48	100	1393.50	15,000
No municipal water and no municipal sewer	30.48	100	30.48	100	1858.0	20,000

(2) The minimum area and dimension of parcels with public water supply and sewage disposal systems shall be:

Use	Width		Length		Area	
	m	ft.	m	ft.	m <sup>2</sup>	sq. ft.
Single family detached dwelling	15.24	50	30.48	100	464.50	5,000
Duplex dwelling and semi-detached dwelling	21.34	70	30.48	100	650.30	7,000
Row dwelling or town houses						
– interior unit	4.88	16	30.48	100	148.64	1,600
– end unit	7.62	25	30.48	100	232.25	2,500
Multiple family	24.38	80	30.48	100	743.20	8,000
Single-wide modular homes	12.19	40	30.48	100	371.60	4,000
Use	Width		Length		Area	
	m	ft.	m	ft.	m <sup>2</sup>	sq. ft.
Double-wide modular homes	13.72	45	30.48	100	418.05	4,500



All other uses

As required by the Municipal Planning Commission

- (3) These minimum parcel and lot sizes may be increased by the Municipal Planning Commission upon the recommendation of provincial agencies concerned and when in its opinion it is desirable to do so.

### 3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	6.1	20	1.52	5	6.1	20
Fences	Setbacks are zero on property lines.					

### 4. SITE COVERAGE

Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be determined by the Municipal Planning Commission.

### 5. AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES

If the Municipal Planning Commission considers an area proposed for residential development could become a grouped residential development in the future, it may require the preparation of an area structure plan or a conceptual scheme.

### 6. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES

No application to locate or expand any land use shall be approved unless, in the opinion of the Municipal Planning Commission, the proposed use will not have a detrimental effect on any:

- (a) transportation or communication systems, including designated highways, municipal roadways, railways, airport sites or communication facilities;
- (b) an environmentally significant area, regionally sensitive area, critical wildlife zone, riparian area, waterbody, area of historic or archaeological significance; or
- (c) utility facilities, including irrigation works, pipelines and power transmission lines.

### 7. STANDARDS OF DEVELOPMENT – See Schedule 4.

### 8. MOBILE/MODULAR HOME DEVELOPMENT STANDARDS – See Schedule 5.

### 9. MODULAR HOME COMMUNITY STANDARDS – See Schedule 6.

### 10. MOVED-IN BUILDINGS – See Schedule 7.

### 11. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Schedule 8.

### 12. SIGN REGULATIONS – See Schedule 9.



**13. HOME OCCUPATIONS** – See Schedule 10.

**14. SOLAR ENERGY SYSTEM AND ALTERNATIVE/RENEWABLE ENERGY** – See Schedule 12.

**15. KENNEL REGULATIONS** – See Schedule 13.

**16. FEES** – Appendix C.





## MOON RIVER ESTATES – MRE

### INTENT

The intent of this land use district is to accommodate high-quality grouped residential development in the Hamlet of Moon River while limiting non-residential uses within the hamlet boundaries, through the regulation of the following permitted and discretionary uses.

### 1. LAND USES

#### (1) Permitted Uses\*

- Accessory buildings
- Accessory structures
- Fence
- Garage
- Garage suite
- Home occupation, minor
- Residential addition
- Single family dwelling
- Solar energy system, individual – roof or wall mounted

#### (2) Discretionary Uses

- Animal care service, small
- Archery range, private
- Bed and breakfast
- Cabin
- Cemetery
- Club house
- Community facility
- Church
- Day care facility
- Entertainment establishment
- Food service/catering
- Garden center
- Guest house
- Home care service
- Home occupation, major
- Household repair service
- Intensive horticulture
- Kennel - Category 1
- Laundromat
- Market garden
- Modular home
- Moved in building

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\* See Schedule 3, Development Not Requiring a Development Permit.





- Office
- Private riding stable and arena
- Public and private recreation
- Public and private utility
- Public institutional use
- Ready-to-move structure
- Secondary residence
- Sign
- Solar energy system, individual – ground mounted
- Sports club
- Taxidermy
- Tourist home
- Tower
- Travel agency
- Wind Energy Conversion System, individual
- Workshop

**(3) Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

**2. PARCEL AND LOT SIZES**

Parcel and lot sizes for all the permitted and discretionary uses listed above are:

- (a) existing parcels; or
- (b) a minimum of 0.4 ha (1 acre).

**3. MINIMUM SETBACK REQUIREMENTS**

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	15.24	50	7.62	25	15.24	50
Fences	6.10	20	0	0	0	0

**4. SPECIAL DEVELOPMENT STANDARDS AND APPLICATION REQUIREMENTS**

For any development within the Hamlet of Moon River, the Municipal Planning Commission may:

- (a) set special standards to improve the quality and compatibility of any proposed development such as, but not limited to, architecture, landscaping, setback variations, exterior finishes, paved parking areas and access;
- (b) require any part of a parcel used for outdoor storage be screened by buildings, fences, trees, or other landscaping features, to its satisfaction;



(c) require any application for a development permit be accompanied by plot plans, indicating building locations, elevations and finished grades, building plans and specifications and any other information considered necessary by the designated officer or the Municipal Planning Commission.

5. **STANDARDS OF DEVELOPMENT** – See Schedule 4.
6. **MODULAR HOME COMMUNITY STANDARDS** – See Schedule 6.
7. **MOVED-IN BUILDINGS** – See Schedule 7.
8. **OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 8.
9. **SIGN REGULATIONS** – See Schedule 9.
10. **HOME OCCUPATIONS** – See Schedule 10.
11. **SOLAR ENERGY SYSTEM AND ALTERNATIVE/RENEWABLE ENERGY** – See Schedule 12.
12. **FEES** – See Appendix C.





## GROUPED COUNTRY RESIDENTIAL – GCR

### INTENT

The intent of this land use district is to accommodate clustered country residential development within comprehensively planned multi-lot areas designated on fragmented or poor agricultural land provided the proposed uses shall:

- (a) not conflict with the agricultural, recreational or rural industrial uses on lands adjacent to or in close proximity to the proposal;
- (b) not compromise the safe, efficient operation of the road network or urban expansion of neighbouring municipalities; and
- (c) comply with the development standards and requirements outlined in a detailed area structure plan or conceptual scheme for the area, this land use district and the development schedules of this Land Use Bylaw.

### 1. LAND USES

#### (1) Permitted Uses\*

- Accessory buildings
- Accessory structures
- Home occupation, minor
- Modular home
- Residential addition
- Single family dwelling
- Solar energy system, individual – roof or wall mounted

#### (2) Discretionary Uses

- Animal care service, small
- Archery range, private
- Bed and breakfast
- Boarding house
- Cabin
- Church
- Club house
- Commercial/private recreation
- Community facility
- Condominium
- Day care service
- Duplex
- Food processing
- Food service/catering
- Garage suite

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\* See Schedule 3, Development Not Requiring a Development Permit.



Garden center  
Garden suite  
Golf driving range  
Guest house  
Home care service  
Home occupation, major  
Hostel  
Household repair service  
Intensive horticulture  
Market garden  
Mobile home  
Mobile and modular home park  
Moved in building  
Multi-family dwelling  
Office  
Outdoor storage  
Private riding stable and arena  
Public and private recreation  
Public and private utility  
Public day use area  
Public and private institutional use  
Ready-to-move structure (RTM)  
Secondary residence  
Sign  
Solar energy system, individual – ground mounted  
Taxidermy  
Tourist home  
Tower  
Travel agency  
Wind Energy Conversion System, individual  
Workshop

**(3) Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

**2. PARCEL AND LOT SIZES**

Parcel and lot sizes for all the permitted and discretionary uses listed above are:

- (a) existing parcels; or
- (b) minimum of 1.21 ha ( 3 acres) for unserviced lots;
- (c) minimum of 0.4 ha (1 acre) for serviced lots;
- (d) maximum of 2.02 ha (5.0 acres) for unserviced lots.



### 3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	15.24	50	7.62	25	15.24	50
Fences	0	0	0	0	0	0

### 4. SITE COVERAGE

Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be determined by the Municipal Planning Commission or in accordance with a duly prepared area structure plan or conceptual scheme.

### 5. AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES

An area structure plan or conceptual scheme required by the Municipal Planning Commission for a grouped country residential application, shall consider and address the following matters:

- (a) the implementation of urban expansion strategies of neighbouring municipalities;
- (b) the safe and efficient use of nearby highways or municipal roads;
- (c) possible future impact on resource developments;
- (d) the effect on access to or development of existing or potential recreation amenities;
- (e) the effect on surrounding agricultural operations;
- (f) the effect on a critical wildlife zone or environmentally significant area, regionally sensitive area, riparian area or a waterbody;
- (g) the visual environment of the surrounding landscape;
- (h) the natural amenities provided by the land which include, but are not limited to, varied topography, sloping land, a scenic view and tree cover;
- (i) area prone to flooding or groundwater inundation. These areas shall not be considered for grouped country residential use;
- (j) water supply and sewage disposal for the proposed development;
- (k) areas of historical and archaeological interest; and
- (l) such other matters considered necessary and appropriate by the Municipal Planning Commission.

### 6. STANDARDS OF DEVELOPMENT – See Schedule 4.

### 7. MOBILE/MODULAR HOME DEVELOPMENT STANDARDS – See Schedule 5.

### 8. MODULAR HOME COMMUNITY STANDARDS – See Schedule 6.

### 9. MOVED-IN BUILDINGS – See Schedule 7.



- 10. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 8.
- 11. SIGN REGULATIONS** – See Schedule 9.
- 12. HOME OCCUPATIONS** – See Schedule 10.
- 13. WIND ENERGY CONVERSION SYSTEMS** – See Schedule 11.
- 14. SOLAR ENERGY SYSTEM AND ALTERNATE/RENEWABLE ENERGY SYSTEM** – See Schedule 12.
- 15. FEES** – See Appendix C.



## CLARESHOLM INDUSTRIAL AREA – CIA

### INTENT

The intent of this land use district is to accommodate proposed land uses and ensure the compatibility of existing land uses located at the Claresholm airport, with adjoining lands, through the regulation of the following permitted and discretionary uses.

### 1. LAND USES

#### (1) Permitted Uses\*

- Accessory buildings
- Accessory structures
- Airport hangar
- Solar energy system, individual – ground mounted
- Solar energy system, individual – roof or wall mounted
- Wind Energy Conversion System, individual

#### (2) Discretionary Uses

- Abattoir
- Alternate/renewable energy
- Amusement Arcade
- Animal care service, small
- Animal care service, large
- Archery range
- Artificial insemination facility
- Auction facility
- Auto sales and/or service
- Batch plant
- Building supply center
- Bulk fertilizer storage and sales
- Bulk fuel storage and sales
- Cannabis, licensed medical production
- Cannabis, licensed recreational production
- Car wash
- Club house
- Commercial/private recreation
- Commercial use
- Convenience store
- Day care facility
- Employee housing
- Entertainment establishment
- Farm machinery and equipment sales
- Farm service product sales
- Financial institution

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\* See Schedule 3, Development Not Requiring a Development Permit.





Food processing  
Food service/catering  
Freight terminal  
Gaming or gambling establishment  
Garage  
Garden center  
Golf driving range  
Grain elevator  
Grain elevator with accessory office  
Grouped rural industry  
Hangar  
Heavy industrial  
Helipad  
Heliport  
Highway commercial  
Holiday trailer and RV park  
Holiday trailer and RV storage  
Home occupation, major  
Home occupation, minor  
Hostel  
Hotel and motel  
Household repair service  
Industrial equipment sales and rental  
Industrial manufacturing  
Industrial operation  
Intensive horticulture  
Kennel - Category 1 and 2  
Laundromat  
Light industrial/manufacturing  
Liquor store  
Livestock sales yard  
Lodge  
Machinery and equipment sales and repair  
Market garden  
Mechanical and structural repair  
Medical and dental office  
Modular home sales and service  
Moved-in building  
Office  
Outdoor storage  
Outdoor vehicle storage  
Personal care service  
Private riding stable and arena  
Private rodeo grounds  
Public and private institutional use  
Public and private recreation  
Public and private utility



- Public and private rifle range, indoor
- Ready to move structure (RTM)
- Recreational vehicle sales and rental
- Recreational vehicle storage
- Residential accommodation in conjunction with an approved use
- Restaurant and lounge
- Retail outlet
- Sea can storage
- Seed cleaning plant
- Service station
- Sign
- Single lot commercial
- Solar energy system, industrial
- Sports club
- Surveillance suite
- Taxidermy
- Tower
- Travel agency
- Truck sales and service
- Truck stop
- Truck transport depot
- Vehicle service and repair
- Warehouse
- Warehouse store
- Welding shop
- Workshop

**(3) Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

**2. PARCEL AND LOT SIZES**

Parcel and lot sizes for all the permitted and discretionary uses listed above are:

- (a) existing parcels; or
- (b) lots of a minimum of 0.4 ha (1 acre) or greater as may be required by the Municipal Planning Commission.

**3. MINIMUM SETBACK REQUIREMENTS**

Use	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	6.10	20	3.05	10	6.10	20
Fences	0	0	0	0	0	0



#### **4. SITE COVERAGE**

The maximum site coverage for all the permitted and discretionary uses listed is 50%:

- (a) for principal and accessory buildings; or
- (b) as required by the Municipal Planning Commission.

#### **5. DEVELOPMENT REFERRAL REQUIREMENTS**

Applications for uses located where ground safety may be an issue in the Claresholm Industrial Area shall be referred to Transport Canada by the designated officer.

#### **6. AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES**

The Municipal Planning Commission may require the preparation of an area structure plan or a conceptual scheme prior to considering an application or as a condition of approval for any use within this land use district.

#### **7. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES**

No application to locate or expand a land use shall be approved unless, in the opinion of the Municipal Planning Commission, the proposed use will not have a detrimental effect on any:

- (a) transportation or communication systems, including designated highways, municipal roadways, railways, airport sites or communication facilities;
- (b) an environmentally significant area, a regionally sensitive area, critical wildlife zone, riparian area, waterbody, area of historic or archaeological significance; or
- (c) utility facilities, including irrigation works, pipelines and power transmission lines.

#### **8. STANDARDS OF DEVELOPMENT – See Schedule 4.**

#### **9. MODULAR HOME COMMUNITY STANDARDS – See Schedule 6.**

#### **10. MOVED-IN BUILDINGS – See Schedule 7.**

#### **11. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Schedule 8.**

#### **12. SIGN REGULATIONS – See Schedule 9.**

#### **13. HOME OCCUPATIONS – See Schedule 10.**

#### **14. WIND ENERGY CONVERSION SYSTEMS – See Schedule 11.**

#### **15. SOLAR ENERGY SYSTEM AND ALTERNATIVE/RENEWABLE ENERGY – See Schedule 12.**

#### **16. FEES – See Appendix C.**



## RURAL INDUSTRIAL – RI

### INTENT

The intent of this land use district is to accommodate isolated or grouped noxious, rural industrial, resource extraction or other compatible uses in the municipality without compromising the conservation of agricultural land for agricultural purposes, through the regulation of the following permitted and discretionary uses.

### 1. LAND USES

#### (1) Permitted Uses\*

- Accessory buildings
- Accessory structures
- Solar energy system, individual – ground mounted
- Solar energy system, individual – roof or wall mounted
- Wind Energy Conversion System, individual

#### (2) Discretionary Uses

- Airplane hangar
- Airport site or airstrip
- Alternative/renewable energy
- Auction facility
- Auction mart
- Automotive sales and service
- Batch plant
- Building supply center
- Car wash
- Commercial use
- Convenience store
- Employee housing
- Entertainment establishment
- Entertainment establishment, adult
- Family campground
- Financial institution
- Food service/catering
- Freight terminal
- Gaming or gambling establishment
- Grouped noxious industry
- Grouped rural industry
- Heavy industrial
- Helipoint
- Helipad
- Highway commercial

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\* See Schedule 3, Development Not Requiring a Development Permit.



Hostel  
Hotel and motel  
Household repair service  
Incineration facility  
Industrial equipment sales and rental  
Industrial manufacturing  
Industrial operation  
Kennel - Category 1 and 2  
Laundromat  
Light industrial/manufacturing  
Liquor store  
Market garden  
Mechanical and structural repair  
Medical and dental office  
Modular home sales and service  
Moved-in building  
Noxious industry  
Office  
Outdoor storage  
Outdoor vehicle storage  
Personal service  
Public and private utility  
Ready to move structure (RTM)  
Recreational vehicle sales and rentals  
Recreational vehicle storage  
Residential accommodation in conjunction with an approved use  
Resource extraction  
Restaurant and lounge  
Retail outlet  
Rural industry  
Sea can storage  
Service station  
Sign  
Solar energy system, industrial  
Sports club  
Surveillance suite  
Taxidermy  
Tower  
Travel agency  
Truck sales and service  
Truck stop  
Truck transport depot  
Truck wash  
Vehicle service and repair  
Warehouse  
Warehousing



Warehouse store  
 Welding shop  
 Wind Energy Conversion System, industrial  
 Workshop

**(3) Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

**2. PARCEL AND LOT SIZES**

**(1) Extensive Agriculture**

- (a) existing parcels; or
- (b) 64.75 ha (160 acres) or an unsubdivided quarter section.

**(2) All Other Uses**

- (a) existing parcels; or
- (b) minimum of 0.4 ha (1 acre).

**3. MINIMUM SETBACK REQUIREMENTS**

(1) Uses	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	6.10	20	3.05	10	6.10	20
Fences	0	0	0	0	0	0

(2) All buildings, structures and development other than extensive cultivation or grazing on parcels having frontage on a primary highway may have special requirements for setback, access and service roadways as determined by the Municipal Planning Commission in accordance with the requirements of Alberta Transportation.

(3) All buildings, structures and development to be located in close proximity to an escarpment, coulee break, river bank or other geographical feature may have special requirements for setback as determined by the Municipal Planning Commission.

**4. SITE COVERAGE**

The maximum site coverage percentage on the parcel shall be determined by the Municipal Planning Commission.

**5. DEVELOPMENT REFERRAL REQUIREMENTS**

(1) The Municipal Planning Commission may recommend to Council the designation of a rural industrial land use district.

- (2) Council or the designated officer shall refer any proposed designation of a rural industrial land use district to the municipality's planner for comment prior to making a decision.
- (3) The designated officer shall refer a proposed designation to rural industrial or a proposed industrial use located within 0.8 km (½ mile) of a designated highway to Alberta Transportation for comment prior to a decision being made.
- (4) An application for industrial use which is:
  - (a) adjacent to or within an environmentally significant area, critical wildlife zone, regionally sensitive area, riparian area or waterbody; or
  - (b) within 0.8 km (½ mile) of a primary highway, except within a designated hamlet;shall be referred by the designated officer to the municipality's planner for comment before the Municipal Planning Commission considers the application.

## **6. AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES**

The Municipal Planning Commission may require the preparation of an area structure plan or a conceptual scheme prior to considering an application or as a condition of approval for any use within this land use district.

## **7. GROUPED NOXIOUS INDUSTRY**

- (1) Designation or development of an area for grouped noxious industry shall not be approved by Council or the Municipal Planning Commission if said area is:
  - (a) within a designated hamlet;
  - (b) less than 3.2 km (2 miles) from a town, village or designated hamlet;
  - (c) less than 1.6 km (1 mile) from a provincial, regional or municipal park or recreation area;
  - (d) less than 0.8 km (½ mile) from an existing or approved residence;
  - (e) less than 0.8 km (½ mile) from an existing or approved grouped country residential development;
  - (f) less than 0.8 km (½ mile) from either side of a designated highway, unless provided for in an area structure plan approved by Alberta Transportation;
  - (g) adjacent to an environmentally significant area, critical wildlife zone, regionally sensitive area, riparian area or a waterbody, unless the Municipal Planning Commission is satisfied suitable measures shall be undertaken to minimize any nuisance, hazard or noxious effect.
- (2) Applications for development expansion or for separate parcels in an area designated for grouped noxious industry may be approved or recommended for approval provided:
  - (a) the area of any proposed parcel is a minimum of 0.4 ha (1 acre);



- (b) the proposed development or parcel shall be serviced to the satisfaction of the Municipal Planning Commission;
- (c) the proposed use or operation will be developed in such a manner no run-off water can directly enter any waterbody, watercourse, groundwater, irrigation system or public roadway ditch;
- (d) there will be adequate provision for water treatment, temporary waste storage facilities and arrangements for waste disposal in accordance with standards set by the appropriate provincial departments and other approving authorities.

## **8. RURAL OR NOXIOUS INDUSTRY**

The site of a rural or noxious industry may be approved for development, expansion or for approval as a separate parcel provided:

- (a) the area of the proposed parcel is a minimum of 0.4 ha (1 acre);
- (b) in the opinion of the Municipal Planning Commission the proposed location is suitable for and will be developed for the proposed use within a period of two years;
- (c) the proposed development or parcel will be serviced to the satisfaction of the Municipal Planning Commission;
- (d) the proposed use or operation will be developed in such a manner no run-off water can directly enter any waterbody, watercourse, groundwater, irrigation system, public roadway ditch, riparian area, critical wildlife zone, environmentally significant area, or regionally sensitive area;
- (e) there will be adequate provision for water treatment, temporary waste storage facilities and waste disposal in accordance with standards set by the appropriate provincial government departments and other approving authorities; and
- (f) all surface run-off associated with the development shall be contained on site.

## **9. RIVER VALLEYS AND SHORELANDS**

- (1) Before approving any application to locate or expand any land use in or adjacent to a river valley or shoreland area, the Municipal Planning Commission shall refer such an application to any local, regional, or federal government agency if, in its opinion, has an interest in land use management.
- (2) No application to locate or expand any land use in or adjacent to a river valley or shoreland area shall be approved unless, in the opinion of the Municipal Planning Commission, the proposal will not:
  - (a) be located in a flood prone area;
  - (b) cause soil erosion or damage to a river bank;
  - (c) cause deterioration of water quality;
  - (d) hinder the flow of water to the river;
  - (e) compromise aesthetic quality or natural amenities;





- (f) be detrimental to an environmentally significant area, regionally sensitive area, critical wildlife zone, riparian area or a waterbody;
- (g) have a detrimental effect on adjoining or nearby agricultural operations if the proposed development is a non-agricultural use;
- (h) have a detrimental effect on existing or proposed recreation areas; and
- (i) have a detrimental effect on existing or proposed irrigation canals or water diversion structures.

#### **10. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES**

- (1) No application to locate or expand any land use shall be approved unless, in the opinion of the Municipal Planning Commission, the proposed use will not have a detrimental effect on any:
  - (a) transportation or communication systems, including designated highways, municipal roadways, railways, airport sites or communication facilities;
  - (b) an environmentally significant area, a regionally sensitive area, critical wildlife zone, riparian area, waterbody, area of historic or archaeological significance; or
  - (c) utility facilities, including irrigation works, pipelines and power transmission lines.
- (2) Any application for development located in the vicinity of a sour gas pipeline shall be circulated to the Alberta Energy Regulator for comments.

#### **11. RURAL INDUSTRIAL AREAS**

- (1) The Municipal Planning Commission may recommend to Council the designation of a rural industrial area. The municipality's planner shall be notified of any designation by Council of a rural industrial area.
- (2) Rural industrial areas shall, where possible:
  - (a) be located on poor agricultural land unless such locations, in the opinion of the Municipal Planning Commission, are not reasonably available;
  - (b) be serviced to the satisfaction of the Municipal Planning Commission; and
  - (c) use only the minimum area of land required.

**12. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**13. MOBILE/MODULAR HOME DEVELOPMENT STANDARDS** – See Schedule 5.

**14. MODULAR HOME COMMUNITY STANDARDS** – See Schedule 6.

**15. MOVED-IN BUILDINGS** – See Schedule 7.

**16. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 8.



- 17. SIGN REGULATIONS** – See Schedule 9.
- 18. WIND ENERGY CONVERSION SYSTEMS** – See Schedule 11.
- 19. SOLAR ENERGY SYSTEM AND ALTERNATIVE/RENEWABLE ENERGY SYSTEM** – See Schedule 12.
- 20. FEES** – See Appendix C.





## RURAL AGRI INDUSTRIAL – RAI

### INTENT

The intent of this land use district is to accommodate the use of land, buildings and/or structures for the purpose of harvesting, refining, storing, processing, extracting, distributing, fuelling, selling and/or any other activity associated with the enhancement of agricultural production, by-products or related endeavours.

### 1. LAND USES

#### (1) Permitted Uses\*

- Accessory buildings
- Accessory structures
- Residential accommodation in conjunction with an approved use
- Solar energy system, individual – ground mounted
- Solar energy system, individual – roof or wall mounted
- Wind Energy Conversion System, individual

#### (2) Discretionary Uses

- Alternative/renewable energy
- Animal care service, large
- Animal care service, small
- Artificial insemination facility
- Auction facility
- Auction mart
- Bulk fertilizer storage and uses
- Bulk fuel storage and sales
- Farm machinery sales, rental, service and repair
- Farm service product sales
- Feed mill
- Food processing
- Grain elevator
- Grain terminal and uses
- Greenhouse
- Hay processing
- Intensive horticulture
- Intensive livestock operations
- Livestock sales yards
- Market garden
- Ready to move structure (RTM)
- Sea can for storage use
- Seed cleaning plant
- Sod farm

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\* See Schedule 3, Development Not Requiring a Development Permit.



Truck wash

**(3) Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

**2. PARCEL AND LOT SIZES**

All Uses:

- (a) existing parcels;
- (b) 64.75 ha (160 acres) or an unsubdivided quarter section; or
- (c) subdivided parcels at a size as required by the Municipal Planning Commission.

**3. MINIMUM SETBACK REQUIREMENTS**

(1) Uses	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	6.10	20	3.05	10	6.10	20
Fences	0	0	0	0	0	0

- (2) All buildings, structures and development other than extensive cultivation or grazing on parcels having frontage on a primary highway or secondary road may have special requirements for setback, access and service roadways as determined by the Municipal Planning Commission in accordance with the requirements of Alberta Transportation.
- (3) All buildings, structures and development to be located in close proximity to an escarpment, coulee break, river bank or other geographical feature may have special requirements for setback as determined by the Municipal Planning Commission.

**4. SITE COVERAGE**

Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be as determined by the Municipal Planning Commission.

**5. DEVELOPMENT REFERRAL REQUIREMENTS**

- (1) Council or the designated officer shall refer any proposed designation of a rural agri industrial land use district to the municipality’s planner for comment prior to making a decision.
- (2) The designated officer shall refer any proposed designation of a rural industrial or any proposed industrial use located within 0.8 km (½ mile) of a designated highway to Alberta Transportation for comment prior to a decision being made.



- (3) An application for agri industrial use which is:
- (a) adjacent to or within an environmentally significant area, regionally sensitive area, critical wildlife zone; riparian area or waterbody; or
  - (b) within 0.8 km (½ mile) of a primary highway, except within a designated hamlet;
- shall be referred by the designated officer to the municipality's planner for comment before the Municipal Planning Commission considers the application.

## **6. AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES**

The Municipal Planning Commission may require the preparation of an area structure plan or a conceptual scheme prior to considering an application or as a condition of approval for any use within this land use district.

## **7. RIVER VALLEYS AND SHORELANDS**

- (1) Before approving any application to locate or expand any land use in or adjacent to a river valley or shoreland area, the Municipal Planning Commission shall refer such an application to any local, regional, or federal government agency if, in its opinion, has an interest in land use management.
- (2) No application to locate or expand any land use in or adjacent to a river valley or shoreland area shall be approved unless, in the opinion of the Municipal Planning Commission, the proposal will not:
- (a) be located in a flood prone area;
  - (b) cause soil erosion or damage to a river bank;
  - (c) cause deterioration of water quality;
  - (d) hinder the flow of water to the river;
  - (e) compromise aesthetic quality or natural amenities;
  - (f) be detrimental to an environmentally significant area, regionally sensitive area, critical wildlife zone, riparian area or a waterbody;
  - (g) have a detrimental effect on adjoining or nearby agricultural operations if the proposed development is of a non-agricultural use;
  - (h) have a detrimental effect on existing or proposed recreation areas; and
  - (i) have a detrimental effect on existing or proposed irrigation canals or water diversion structures.

## **8. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES**

- (1) No application to locate or expand any land use shall be approved unless, in the opinion of the Municipal Planning Commission, the proposed use will not have a detrimental effect on:



- (a) transportation or communication systems, including designated highways, municipal roadways, railways, airport sites or communication facilities;
  - (b) an environmentally significant area, a regionally sensitive area, critical wildlife zone, riparian area, waterbody, area of historic or archaeological significance; or
  - (c) utility facilities, including irrigation works, pipelines and power transmission lines.
- (2) Any application for development located in the vicinity of a sour gas pipeline shall be circulated to the Alberta Energy Regulator for comments.

#### **9. RURAL AGRI INDUSTRIAL AREAS**

- (1) The Municipal Planning Commission may recommend to Council the designation of a rural agri industrial area. The municipality's planner shall be notified of any designation by Council of a rural industrial area.
- (2) Rural agri industrial areas shall, where possible:
- (a) be located on poor agricultural land unless such locations, in the opinion of the Municipal Planning Commission, are not reasonably available;
  - (b) be serviced to the satisfaction of the Municipal Planning Commission; and
  - (c) use only the minimum area of land required.

**10. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**11. MOBILE/MODULAR HOME DEVELOPMENT STANDARDS** – See Schedule 5.

**12. MODULAR HOME COMMUNITY STANDARDS** – See Schedule 6.

**13. MOVED-IN BUILDINGS** – See Schedule 7.

**14. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 8.

**15. SIGN REGULATIONS** – See Schedule 9.

**16. WIND ENERGY CONVERSION SYSTEMS** – See Schedule 11.

**17. SOLAR ENERGY SYSTEM AND ALTERNATIVE/RENEWABLE ENERGY SYSTEM** – See Schedule 12.



## RURAL COMMERCIAL – RC

### INTENT

The intent of this land use district is to provide for the location of commercial uses in rural areas which will not compromise either the use of agricultural lands for agriculture or the safe and efficient operation of the secondary and primary highway system for the travelling public, through the regulation of the following permitted and discretionary land uses.

### 1. LAND USES

#### (1) Permitted Uses\*

- Accessory buildings
- Accessory structures
- Solar energy system, individual – ground mounted
- Solar energy system, individual – roof or wall mounted
- Wind Energy Conversion System, individual

#### (2) Discretionary Uses

- Alternative/renewable energy
- Archery range
- Auction facility
- Auction mart
- Automotive sales and service
- Building supplies center
- Bulk fuel storage and sales
- Campground
- Cannabis, consumption site
- Cannabis, distribution and wholesaling
- Cannabis, licensed medical production
- Cannabis, licensed recreational production
- Cannabis production facility
- Cannabis retail store
- Car wash
- Club house
- Commercial recreation
- Commercial use
- Convenience store
- Day care facility
- Employee housing
- Entertainment establishment
- Entertainment establishment, adult
- Financial institution
- Food processing

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\* See Schedule 3, Development Not Requiring a Development Permit.





Food service/catering  
Gaming or gambling establishment  
Garden center  
Gas bar  
Golf course  
Golf driving range  
Helipad  
Heliport  
Highway commercial  
Hostel  
Hotel and motel  
Household repair service  
Industrial equipment sales and rental  
Kennel - Category 1 and 2  
Laundromat  
Light industrial/manufacturing  
Liquor store  
Lodge  
Mechanical and structural repair  
Medical and dental office  
Modular and mobile home park  
Modular home sales and service  
Moved-in building  
Office  
Outdoor storage  
Outdoor vehicle storage  
Personal care service  
Public and private institutional use  
Public and private recreation  
Public and private utility  
Ready to move structure (RTM)  
Recreational vehicle sales and storage  
Residential accommodation in conjunction with an approved use  
Resort accommodation  
Resort  
Restaurant and lounge  
Retail shopping mall  
Retail store  
Riding stable and arena  
Sea can storage  
Service station  
Sign  
Single lot commercial  
Solar energy system, industrial  
Sports club  
Surveillance suite

Taxi service  
 Taxidermist  
 Theatre  
 Tower  
 Travel agency  
 Truck repair, sales and servicing  
 Truck stop  
 Truck transport depot  
 Truck wash  
 Vehicle sales and rental  
 Vehicle service and repair  
 Warehouse store  
 Warehouse  
 Welding shop  
 Workshop

**(3) Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

**2. PARCEL AND LOT SIZES**

Parcel and lot sizes for all the permitted and discretionary uses listed above are:

Use	Width		Length		Area	
	m	ft.	m	ft.	m	sq. ft.
Highway commercial	60.96	200	45.72	150	2787.00	30,000
All other uses	As required by the MPC				4046.72	43,560

**3. MINIMUM SETBACK REQUIREMENTS**

(1) Uses	Front Yard		Side Yard		Rear Yard	
	m	ft.	m	ft.	m	ft.
All uses	6.10	20	3.05	10	6.10	20
Fences	6.10	20	0	0	0	0

(2) All buildings, structures and development other than extensive cultivation or grazing on parcels having frontage on a designated highway may have special requirements for setback, access and service roadways as determined by the Municipal Planning Commission in accordance with the requirements of Alberta Transportation and the *Highways Development and Protection Act, Chapter H-8.5, Revised Statutes of Alberta 2004, as amended.*

(3) All buildings, structures and development to be located in close proximity to an escarpment, coulee break, river bank or other geographical feature may have special requirements for setback as determined by the Municipal Planning Commission.



#### 4. SITE COVERAGE

##### (1) **Highway Commercial**

- (a) principal and accessory buildings – 50%; or
- (b) as required by the Municipal Planning Commission.

##### (2) **Offices, Personal Services and Retail Outlets**

- (a) principal and accessory buildings – 80%; or
- (b) as required by the Municipal Planning Commission.

##### (3) **All Other Uses**

- (a) principal and accessory buildings – 50%; or
- (b) as required by the Municipal Planning Commission.

#### 5. DESIGNATION AND REFERRAL REQUIREMENTS

- (1) The Municipal Planning Commission may recommend to Council the designation of a rural commercial land use district.
- (2) Council or the designated officer shall refer any proposed designation of a rural commercial land use district to the municipality's planner for comment prior to making a decision.
- (3) Council or the designated officer shall refer any proposed designation of a rural commercial land use district or any proposed commercial use located within 0.8 km (½ mile) of a primary highway, except within a designated hamlet, to Alberta Transportation for comment prior to making a decision.
- (4) An application for commercial use which is:
  - (a) adjacent to or within an environmentally sensitive area, critical wildlife zone or regionally significant area; or
  - (b) within 0.8 km (½ mile) of a primary highway, except within a designated hamlet;shall be referred by the designated officer to the municipality's planner for comment before the Municipal Planning Commission considers the application.

#### 6. AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES

The Municipal Planning Commission may require the preparation of an area structure plan or a conceptual scheme prior to considering an application or as a condition of approval for any use within this land use district.



## **7. RIVER VALLEYS AND SHORELANDS**

- (1) Before approving any application to locate or expand any land use in or adjacent to a river valley or shoreland area, the designated officer or Municipal Planning Commission shall refer such an application to any local, regional, or federal government agency if, in its opinion, has an interest in land use management.
- (2) No application to locate or expand any land use in or adjacent to a river valley or shoreland area shall be approved unless, in the opinion of the Municipal Planning Commission, the proposal will not:
  - (a) be located in a flood prone area;
  - (b) cause soil erosion or damage to a river bank;
  - (c) cause deterioration of water quality;
  - (d) hinder the flow of water to the river;
  - (e) compromise aesthetic quality or natural amenities;
  - (f) be detrimental to an environmentally significant area, regionally sensitive area, critical wildlife zone, riparian area or a waterbody;
  - (g) have a detrimental effect on adjoining or nearby agricultural operations if the proposed development is of a non-agricultural use;
  - (h) have a detrimental effect on existing or proposed recreation areas; and
  - (i) have a detrimental effect on existing or proposed irrigation canals or water diversion structures.

## **8. SERVICES, TRANSPORTATION AND UTILITIES FACILITIES**

- (1) No application to locate or expand any land use shall be approved unless, in the opinion of the Municipal Planning Commission, the proposed use will not have a detrimental effect on any:
  - (a) transportation or communication systems, including designated highways, municipal roadways, railways, airport sites or communication facilities;
  - (b) an environmentally significant area, a regionally sensitive area, critical wildlife zone, riparian area, waterbody, area of historic or archaeological significance; or
  - (c) utility facilities, including irrigation works, pipelines and power transmission lines.
- (2) Any application for development located in the vicinity of a sour gas pipeline shall be circulated to the Alberta Energy Regulator for comments.

## **9. STANDARDS OF DEVELOPMENT – See Schedule 4.**

## **10. MODULAR HOME COMMUNITY STANDARDS – See Schedule 6.**

## **11. MOVED-IN BUILDINGS – See Schedule 7.**



- 12. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 8.
- 13. SIGN REGULATIONS** – See Schedule 9.
- 14. HOME OCCUPATIONS** – See Schedule 10.
- 15. WIND ENERGY CONVERSION SYSTEMS** – See Schedule 11.
- 16. SOLAR ENERGY SYSTEM AND ALTERNATIVE/RENEWABLE ENERGY** – See Schedule 12.
- 17. FEES** – See Appendix C.



## FLOOD DAMAGE REDUCTION – FDR

### INTENT

The intent of this land use district is to implement the “Fort Macleod Flood Damage Reduction Program” and the “M.D. of Willow Creek Flood Mapping Initiative”, through the regulation of the following permitted, discretionary and prohibited uses.

### 1. LAND USES

(1) **Permitted Uses\***

Passive recreation uses

(2) **Discretionary Uses**

Sign

(3) **Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

### 2. PARCEL AND LOT SIZES

All uses: existing parcels

### 3. MINIMUM SETBACK REQUIREMENTS

All buildings, structures and development other than cultivation or grazing shall be setback at least:

- (a) 22.86 m (75 feet) from the right-of-way of any developed or undeveloped roadway not designated as a highway in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;
- (b) such distances as required by Alberta Transportation for highways designated in the Memorandum of Agreement; or
- (c) any such greater distance as may be required by the designated officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication or to reduce potential snow drifting.

### 4. AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES

The Municipal Planning Commission may require the preparation of an area structure plan or a conceptual scheme prior to considering an application or as a condition of approval of an application for any use within this land use district.

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\* See Schedule 3, Development Not Requiring a Development Permit.



## **5. RIVER VALLEYS AND SHORELANDS**

- (1) Before approving any application to locate or expand any land use in or adjacent to a river valley or shoreland area, the designated officer or the Municipal Planning Commission shall refer the application to any local, regional, provincial, or federal government agency if, in its opinion, has an interest in land use management.
- (2) No application to locate or expand any land use in or adjacent to a river valley or shoreland area shall be approved unless, in the opinion of the Municipal Planning Commission, the proposal will not:
  - (a) be located in a flood prone area;
  - (b) cause soil erosion or damage to a river bank;
  - (c) cause deterioration of water quality;
  - (d) hinder the flow of water to the river;
  - (e) compromise aesthetic quality or natural amenities;
  - (f) be detrimental to an environmentally significant area, regionally sensitive area, critical wildlife zone, riparian area or a waterbody;
  - (g) have a detrimental effect on adjoining or nearby agricultural operations if the proposed development is for a non-agricultural use;
  - (h) have a detrimental effect on existing or proposed recreation areas; and/or
  - (i) have a detrimental effect on existing or proposed irrigation canals or water diversion structures.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS** – See Schedule 9.

**8. FEES** – See Appendix C.



## RESERVOIR VICINITY – RV

### INTENT

The intent of this land use district is to regulate, prohibit and control land use in the vicinity of designated waterbodies in the Municipal District of Willow Creek No. 26.

### 1. LAND USES

#### (1) Permitted Uses\*

- Accessory buildings
- Accessory structures
- Farmstead
- Garage
- Home occupation, minor
- Primary residence
- Residential addition
- Secondary residence
- Solar energy system, individual – ground mounted
- Solar energy system, individual – roof or wall mounted
- Wind Energy Conversion System, individual

#### (2) Discretionary Uses

- Animal care service, small
- Apartment and other multi-family dwelling
- Archery range
- Bed and breakfast
- Cabin
- Campground
- Cemetery
- Church
- Club house
- Commercial/private recreation
- Community facility
- Day care facility
- Duplex
- Family campground
- Food service/catering
- Garden and garage suite
- Garden center
- Golf driving range
- Helipad
- Home care service
- Home occupation, major

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\* See Schedule 3, Development Not Requiring a Development Permit.





Household repair service  
Kennel - Category 1  
Marina and ancillary structures  
Market garden  
Mobile home  
Modular home  
Moved-in residence  
Office  
Outdoor storage  
Personal care service  
Public and private institutional use  
Public and private recreation use  
Public and private utility  
Public day use area  
Ready to move structure (RTM)  
Recreational vehicle storage  
Residential accommodation in conjunction with an approved use  
Resort  
Riding stable and arena  
Sea can storage  
Subsequent residence  
Sign  
Single lot commercial  
Taxidermy  
Tourist home  
Tower  
Travel agency  
Vehicle service and repair  
Warehouse  
Warehouse store  
Welding shop  
Workshop

**(3) Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

**2. PARCEL AND LOT SIZES**

**(1) Extensive Agriculture**

- (a) existing parcels; or
- (b) 64.75 ha (160 acres) or an unsubdivided quarter section.

**(2) Farmsteads**

- (a) existing parcels; or



- (b) minimum 1.21 ha (3 acres); or
- (c) maximum of 4.04 ha (10 acres); or
- (d) at the discretion of the MPC on cut-off parcels.

**(3) Country Residential**

- (a) existing parcels; or
- (b) minimum of 1.21 ha (3 acres); or
- (c) maximum of 4.04 ha (10 acres).

**(4) All Other Uses**

Parcel and lot sizes for all other land uses shall be at the discretion of the Municipal Planning Commission.

**3. MINIMUM SETBACK REQUIREMENTS**

- (1) All buildings, structures and development other than cultivation or grazing shall be setback from lot or parcel boundaries at least:
  - (a) 22.86 m (75 feet) from the right-of-way of any developed or undeveloped roadway not designated as a highway in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;
  - (b) such distances as required by Alberta Transportation for designated highways in the Memorandum of Agreement;
  - (c) any greater distance which may be required by the designated officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication, or to reduce potential snow drifting.
- (2) The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use may be incompatible with the residential use.
- (3) All buildings, structures and development to be located in close proximity to the designated reservoirs may have special requirements for setbacks as determined by the Municipal Planning Commission upon due consideration of any pertinent comments from Alberta Environment and Parks, if provided.

**4. SITE COVERAGE**

Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be as determined by the Municipal Planning Commission.

**5. EXTENSIVE AGRICULTURE LAND USES**

The minimum parcel size for extensive agriculture shall be 160 acres (64.8 ha), less any registered exceptions from a quarter section title consisting of:



- (a) a highway, public roadway, canal, irrigation ditch, easement or right-of-way; or
- (b) any other area of land use for public use.

## **6. DEVELOPMENT IN GENERAL**

All land use decisions regarding development shall be in conformity with the policies and processes outlined in the appropriate area structure plans or intermunicipal development plan.

## **7. AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES**

If the Municipal Planning Commission considers an area proposed for residential development could become a grouped residential development of four or more lots in the future, it may require the preparation of a detailed area structure plan or a conceptual scheme.

## **8. STANDARDS OF DEVELOPMENT – See Schedule 4.**

## **9. MOBILE/MODULAR HOME DEVELOPMENT STANDARDS – See Schedule 5.**

## **10. MODULAR HOME COMMUNITY STANDARDS – See Schedule 6.**

## **11. MOVED-IN BUILDINGS – See Schedule 7.**

## **12. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Schedule 8.**

## **13. SIGN REGULATIONS – See Schedule 9.**

## **14. HOME OCCUPATIONS – See Schedule 10.**

## **15. WIND ENERGY CONVERSION SYSTEMS – See Schedule 11.**

## **16. SOLAR ENERGY SYSTEM AND ALTERNATIVE/RENEWABLE ENERGY – See Schedule 12.**

## **17. KENNEL REGULATIONS – See Schedule 13.**

## **18. FEES – See Appendix C.**



## RURAL RECREATIONAL – RR

### INTENT

The intent of this land use district is to provide for the subdivision and/or development of recreational related land uses within the Municipal District of Willow Creek No. 26.

### 1. LAND USES

#### (1) Permitted Uses\*

- Accessory buildings
- Accessory structures
- Public day use area
- Solar energy system, individual – ground mounted
- Solar energy system, individual – roof or wall mounted
- Wind Energy Conversion System, individual

#### (2) Discretionary Uses

- Archery range
- Cabin
- Campground
- Commercial/private recreation
- Club house
- Family campground
- Garage
- Garden suite
- Golf course
- Golf driving range
- Guest house
- Guest ranch
- Helipad
- Home occupation, major
- Home occupation, minor
- Hostel
- Hotel and motel
- Laundromat
- Marina and ancillary structures
- Mobile home
- Modular home
- Office
- Public and private institutional
- Public and private recreation
- Public and private utility
- Public riding stable and arena

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\* See Schedule 3, Development Not Requiring a Development Permit.



Public and private rifle range  
Public rodeo grounds  
Recreational vehicles park  
Residential accommodation in conjunction with an approved recreational use  
Residential addition  
Resort accommodations  
Resort  
Restaurant and lounge  
Retail outlet  
Sea can storage  
Secondary residence  
Service station  
Sign  
Single family dwelling  
Single lot commercial  
Sports club  
Surveillance suite  
Taxidermy  
Tourist accommodation  
Tower

**(3) Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

**2. PARCEL AND LOT SIZES**

Parcel and lot sizes for all the permitted and discretionary uses listed above shall be at the discretion of the Municipal Planning Commission.

**3. MINIMUM SETBACK REQUIREMENTS**

- (1) All buildings, structures and development other than cultivation or grazing shall be setback from lot or parcel boundaries at least:
  - (a) 22.86 m (75 feet) from the right-of-way of any developed or undeveloped roadway not designated as a highway in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;
  - (b) such distances as required by Alberta Transportation for designated highways in the Memorandum of Agreement;
  - (c) any greater distance which may be required by the designated officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication, or to reduce potential snow drifting.
- (2) The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use may be incompatible with the residential use.



- (3) All buildings, structures and development being located in close proximity to the designated waterbodies may have special requirements for setbacks as determined by the Municipal Planning Commission upon due consideration of any pertinent comments from Alberta Environment and Parks, if provided.

#### **4. SITE COVERAGE**

Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be as determined by the Municipal Planning Commission.

#### **5. DEVELOPMENT IN GENERAL**

All land use decisions regarding development shall be in conformity with the policies and processes outlined in the appropriate area structure plans or intermunicipal development plan.

#### **6. AREA STRUCTURE PLANS / CONCEPTUAL SCHEMES**

If the Municipal Planning Commission considers an area proposed for non-agricultural usage is of a complexity and magnitude warranting further information or studies, it may require the developer to prepare a detailed area structure plan or conceptual scheme.

#### **7. STANDARDS OF DEVELOPMENT – See Schedule 4.**

#### **8. MOBILE/MODULAR HOME DEVELOPMENT STANDARDS – See Schedule 5.**

#### **9. MODULAR HOME COMMUNITY STANDARDS – See Schedule 6.**

#### **10. MOVED-IN BUILDINGS – See Schedule 7.**

#### **11. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Schedule 8.**

#### **12. SIGN REGULATIONS – See Schedule 9.**

#### **13. HOME OCCUPATIONS – See Schedule 10.**

#### **14. WIND ENERGY CONVERSION SYSTEMS – See Schedule 11.**

#### **15. SOLAR ENERGY SYSTEM AND ALTERNATIVE/RENEWABLE ENERGY – See Schedule 12.**

#### **16. FEES – See Appendix C.**





## VACANT SINGLE LOT COUNTRY RESIDENTIAL – VCR

### INTENT

The intent of this land use district is to provide an opportunity for a landowner to create one vacant or bareland parcel via subdivision from a previously unsubdivided quarter section, a portion of an unsubdivided quarter section or the greater half of a fragmented quarter section for country residential use.

### 1. LAND USES

#### (1) Permitted Uses\*

- Accessory buildings
- Accessory structures
- Home occupation, minor
- Secondary residence
- Single family dwelling
- Solar energy system, individual – roof or wall mounted

#### (2) Discretionary Uses

- Bed and breakfast
- Cabin
- Church
- Day care facility
- Duplex or multi-family dwelling
- Employee housing
- Food service/catering
- Garage suite
- Garden center
- Garden suite
- Helipad
- Home care service
- Home occupation, major
- Kennel - Category 1 and 2
- Lodge
- Market garden
- Mobile home
- Modular home
- Moved-in building
- Office
- Personal care service
- Public utility
- Ready to move structure (RTM)
- Residential addition

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\* See Schedule 3, Development Not Requiring a Development Permit.





- Sea can for storage use
- Sign
- Solar energy system, individual – ground mounted
- Taxidermy
- Tower
- Vehicle service and repair
- Visitor accommodation
- Wind Energy Conversion System, individual

**(3) Prohibited Uses**

Any use not found in Permitted or Discretionary, and not considered a similar use, shall be prohibited, unless the lands are redesignated to accommodate the development.

**2. PARCEL AND LOT SIZES**

Parcel and lot sizes for all the permitted and discretionary uses listed above are:

- (a) existing parcels; or
- (b) minimum of 1.21 ha (3 acres) for unserviced lots;
- (c) maximum of 2.02 ha (5 acres) for unserviced lots.

**3. MINIMUM SETBACK REQUIREMENTS**

Use	Front Yard		Side Yard		Rear Yard	
		ft.		ft.		ft.
All uses	15.24	50	7.62	25	15.24	50
Fences	0	0	0	0	0	0

**4. SITE COVERAGE**

Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be determined by the Municipal Planning Commission.

**5. GENERAL CRITERIA**

A subdivision application which proposes to create a vacant single lot country residential parcel from a previously unsubdivided quarter section may be approved provided:

- (a) the proposed site has been redesignated from “Rural General – RG” to “Vacant Country Residential – VCR” prior to an application being filed for subdivision approval;
- (b) the proposed parcel to be created shall in no instance be greater than 2.02 ha (5 acres) in size and contain a buildable site on the proposed parcel;
- (c) the applicant shall enter into a subdivision development agreement prior to a decision being rendered by the Subdivision Authority on the proposed application;



- (d) the proposed vacant parcel and the resulting residual parcel shall have direct legal and physical access to a public roadway or suitable arrangements are made with the municipality for the construction of the required access solely to the satisfaction of the municipality;
- (e) the proposed vacant parcel has been tested for its suitability to provide adequate sewage disposal and groundwater for a future dwelling unit or suitable arrangements have been made to the sole satisfaction of the municipality for the provision of sewer and water to the proposed parcel;
- (f) the proposed access is satisfactory to Alberta Transportation where the access is onto or in close proximity to the provincial highway system;
- (g) the size and location of the proposed vacant parcel will not affect any irrigation system, environmentally significant area, regionally sensitive area, riparian area or a waterbody in the immediate area;
- (h) the proposed vacant parcel can meet or exceed the minimum distance separation (MDS) requirements from an existing intensive livestock or confined feeding operation (CFO) as established in the Agricultural Operations Practices Standards and Administration Regulation;
- (i) the residual parcel being created is a minimum of 56.68 ha (140 acres) in size;
- (j) the proposed vacant parcel will be the first subdivision from a previously unsubdivided quarter section (as defined) in the municipality;
- (k) the municipality, at its sole discretion, may request additional information or studies to be performed prior to rendering a decision to approve a vacant parcel subdivision;
- (l) the municipality, by bylaw, may prohibit the subdivision of vacant parcels in any part of the municipality;
- (m) the municipality may consider the creation of a vacant single lot country residential parcel from a portion of a previously unsubdivided quarter section; and
- (n) the municipality may waive the residual parcel size in order to accommodate the creation of a vacant parcel from a portion of a previously unsubdivided quarter section.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. MOBILE/MODULAR HOME DEVELOPMENT STANDARDS** – See Schedule 5.

**8. MODULAR HOME COMMUNITY STANDARDS** – See Schedule 6.

**9. MOVED-IN BUILDINGS** – See Schedule 7.

**10. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 8.

**11. SIGN REGULATIONS** – See Schedule 9.

**12. HOME OCCUPATIONS** – See Schedule 10.

**13. WIND ENERGY CONVERSION SYSTEMS** – See Schedule 11.



**14. SOLAR ENERGY SYSTEM AND ALTERNATIVE/RENEWABLE ENERGY** – See Schedule 12.

**15. FEES** – See Appendix C.



## NANTON URBAN FRINGE – NUF

### INTENT

The intent of this land use district is to protect a designated area surrounding an incorporated urban municipality identified in an intermunicipal development plan by limiting non-agricultural, incompatible or noxious uses which may impact the long-range growth expectations of the urban community.

### 1. LAND USES

#### (a) Permitted Uses\*

- Accessory buildings
- Accessory structures
- Home occupations - minor
- Modular homes
- Single family dwellings
- Solar energy system, individual – roof or wall mounted

#### (b) Discretionary Uses

- Animal care services, small
- Animal care services, large
- Artificial insemination facilities
- Bed and breakfast establishments
- Cabins
- Cemeteries
- Commercial uses
- Family campgrounds
- Food services and catering
- Garden and garage suites
- Golf courses
- Guest houses
- Heliports
- Home occupations - major
- Intensive horticulture
- Kennels - Category 1 and 2
- Market gardens
- Moved-in buildings
- Public and private institutional uses
- Public and private recreation
- Public and private utilities
- Resort accommodation
- Riding stables
- Rural industry
- Secondary residences

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\* See Schedule 3, Development Not Requiring a Development Permit.

Signs  
Single lot country residential uses  
Solar energy system, individual – ground mounted  
Visitor accommodation  
Wind Energy Conversion System, individual  
Workshops

(c) **Prohibited Uses**

Grouped country residential  
Noxious industry  
Resource extraction uses  
Wind Energy Conversion System, industrial

**2. PARCEL AND LOT SIZES**

Parcel and lot sizes for all the permitted and discretionary uses listed above are:

- (a) existing parcels; or
- (b) minimum of 1.0 acre (0.4 ha) for serviced lots;
- (c) minimum of 3.0 acres (1.2 ha) for unserved lots;
- (d) maximum of 15.0 acres (6.0 ha) for horticultural use;
- (e) maximum of 5.0 acres (2.0 ha) for all other uses;
- (f) at the discretion of the MPC for fragmented parcels.

**3. MINIMUM SETBACK REQUIREMENTS**

- (a) 75 feet (22.9 m) from the right-of-way of any developed or undeveloped public roadway not designated as a highway in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;
- (b) such distance as required by Alberta Transportation in the vicinity of numbered highways designated in the Memorandum of Agreement;
- (c) any greater distance required by the Development Officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication or to reduce potential snow drifting and/or vision restrictions.

**4. SITE COVERAGE**

Unless specified elsewhere in this bylaw, the maximum site coverage percentage on the parcel shall be determined by the Municipal Planning Commission.

**5. STANDARDS OF DEVELOPMENT** – See Schedule 5.

**6. MODULAR HOME COMMUNITY STANDARDS** – See Schedule 7.



- 7. MOVED-IN BUILDINGS** – See Schedule 8.
- 8. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS** – See Schedule 9.
- 9. SIGN REGULATIONS** – See Schedule 10.
- 10. HOME OCCUPATIONS** – See Schedule 11.
- 11. FEES** – See Appendix J.





## **DIRECT CONTROL – DC**

### **Bylaw No. 1959**

#### **Portion of Northeast Section 5, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1959 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as a portion of the NE 5-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well





## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.



- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1960**

#### **Northwest Section 5, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1960 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the NW 5-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.



- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.



- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1961**

#### **Southeast Section 5, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1961 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the SE 5-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.





- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1962**

#### **Southwest Section 5, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1962 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the SW 5-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.



- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to





foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1963**

#### **Northeast Section 6, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1963 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the NE 6-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.



- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the





following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1964**

#### **Portion of Northwest Section 6, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1964 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as a portion of the NW 6-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.

- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;



- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1965**

#### **Southeast Section 6, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1965 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the SE 6-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.

- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.





## **DIRECT CONTROL – DC**

### **Bylaw No. 1966**

#### **Southwest Section 6, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1966 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the SW 6-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.



- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1967**

#### **Northeast Section 7, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1967 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the NE 7-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well





## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.



- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1968**

#### **Northwest Section 7, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1968 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the NW 7-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.



- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.



- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1969**

#### **Southeast Section 7, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1969 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the SE 7-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.





- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1970**

#### **Southwest Section 7, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1970 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the SW 7-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.



- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to





foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1971**

#### **Northeast Section 8, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1971 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the NE 8-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.

- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the





following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1972**

#### **Northwest Section 8, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1972 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the NE 8W12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.



- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;



- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1973**

#### **Southeast Section 8, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1973 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the SE 8-12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.



- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.





## **DIRECT CONTROL – DC**

### **Bylaw No. 1974**

#### **Southwest Section 8, Township 12, Range 25, West of the 4<sup>th</sup> Meridian**

#### **INTENT**

The intent of Bylaw 1974 is to establish a site-specific direct control district that provides for the development and operation of an industrial-scale solar energy project from a decision of the Alberta Utilities Commission (AUC Decision 27345-D01-2022) on lands legally described as the SW 8-W12-25 W4M. In addition, it is proposed that the land may also be utilized for agricultural purposes, including cropping and grazing, to manage the land in a productive manner.

#### **1. LAND USES**

##### **(a) Permitted Uses**

Administration office

Agricultural fencing and gates

Industrial fencing and gates

Operation, and maintenance facilities

Solar energy system, industrial (including panels, racking, foundations, combiner boxes, cables/cable management systems, inverter/transformer stations, and other ancillary equipment directly associated with the use)

Sign

Storage facilities and laydown area

Substation infrastructure (including e-house, steel structures, foundations, transformers, breakers, switches, switchgear, bus/bus connectors, insulators, insulating gravel, cables/cable management systems, and other electrical equipment directly associated with the use)

Transmission infrastructure (including foundations, tower structures, conductor, insulator, connectors, and other electrical equipment directly associated with the use)

##### **(b) Discretionary Uses**

Accessory use

Accessory building

Accessory structure

Agricultural operation including grazing or cultivation

Agricultural building or structure

Construction office

Composting and processing facility

Digital weather station

Dugout

Grain and forage storage

Laydown and staging area

Livestock handling systems

Educational and interpretive use

Washroom facility

Water well



## 2. MINIMUM LOT SIZE

- 2.1 The lot size for development is at the discretion of Council and shall be consistent with Approval 27966-D02-2023 issued by the Alberta Utilities Commission.
- 2.2 Subdivision is prohibited.

## 3. APPROVAL PROCEDURE

- 3.1 In respect of this Direct Control district, Council shall be the decision-making authority and may decide on a development permit application for all listed permitted and discretionary uses.
- 3.2 Before Council considers an application for a use or development in the Industrial Renewable Direct Control District, it may:
  - (a) cause a written notice to be issued by the Development Officer to landowners of adjacent titles in accordance with Administrative Section 9: Notification; or
  - (b) post a copy of the application on the official municipal website, and
  - (b) hear any persons that claim to be affected by the decision on the application.
- 3.3 Council may then approve the application with or without conditions or refuse the application.
- 3.4 When applicable, Council should seek comments from other agencies such as the planning advisor, regional health authority or any applicable provincial government department.

## 4. STANDARDS OF DEVELOPMENT FOR SOLAR ENERGY SYSTEMS, INDUSTRIAL

- 4.1 The following definitions apply to this Direct Control Land Use District:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land.

**Parcel Boundary, External** means the property boundary for lands which are outside the footprint of the industrial solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** means the property boundary for lands which are within the footprint of the industrial solar energy project.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:
- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
  - (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
  - (d) any information regarding general public safety and security measures;
  - (e) preliminary grading/drainage plan;
  - (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
  - (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
  - (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
  - (a) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
  - (j) a soils erosion management plan with the plan to address:
    - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
    - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
  - (k) if required by Council, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
  - (l) if required by Council, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
  - (m) if required by the Council, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.

- 4.3 Upon receipt of a development permit application, Council shall review the application for completeness and, prior to making a decision on the application:
- (a) may notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development;
  - (b) refer the application to all relevant agencies and government departments; and
  - (c) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.4 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.5 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.

### **Conditions of Approval**

- 4.6 The Council may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.
- 4.7 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:
- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project;
  - (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;
- and may require
- (d) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by Council to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner. Consideration may be given to



foregoing the reclamation security if the proponent provides information, acceptable to Council, regarding the reclamation obligations of the developer in existing contractual obligations (i.e. lease agreements with landowners).

- 4.8 The Council may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:
- (a) The operator and/or landowner shall be responsible for controlling invasive plants and vegetation in accordance with the Alberta Weed Control Act and municipal bylaw No. 1870.
  - (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
  - (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
  - (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
  - (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by Council based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## 5. OTHER PERMITTED AND DISCRETIONARY USE STANDARDS

5.1 The following definitions apply to this Direct Control Land Use District:

**AGRICULTURAL BUILDING** means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the



following: machine sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, corrals, pens, and other ancillary farm structures.

**AGRICULTURAL OPERATION** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward and includes:

- (a) the cultivation of land;
- (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry;
- (c) the production of agricultural field crops;
- (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- (d) the production of honey;
- (e) the operation of agricultural machinery and equipment, including irrigation pumps;
- (f) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- (g) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost;

**EDUCATIONAL AND INTERPRETIVE USE** means offering interpretations, explanations, or guidance, as through lectures or brochures.

**LAYDOWN AREA** means is an area on a construction site where tools, materials, equipment, and vehicles are stored temporarily when they are not in use. This may include construction administration buildings, garbage containers, shipping containers, fencing and lighting.

**OFFICE** means an enclosed building or set of buildings to house the administrative activities of an industrial solar energy development. This does not generally include manufacturing or sales.

**DUGOUT** means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. **IRRIGATION RESERVOIRS** are a separate use.

### **Agricultural Related Uses**

5.2 Development permit applications for agricultural activities, buildings and structures shall be accompanied by the following information:

- (a) a detailed site plan indicating the proposed agricultural related development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose;

- (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.3 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel.

#### **Accessory Uses to Industrial Solar Energy System**

- 5.4 Development permit applications for accessories activities, buildings and structures shall be accompanied by the following information:
- (a) a detailed site plan indicating the proposed development including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
  - (b) if water is necessary for the development, information regarding the location of any existing or proposed on-site water well and a copy of the licence to divert water for the intended purpose
  - (c) detailed information about the proposed use, number of structures or buildings, height and site coverage of the development;
  - (d) preliminary grading/drainage plan;
  - (e) detailed information regarding traffic management plan including proposed haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads.
- 5.5 Industrial fences constructed of chain link, page wire, and / or similar material shall be located at the required setback distance of 22.86 m (75 feet) from the property boundary. Consideration of a reduction in setback would be required to be accompanied by information including but limited to fence maintenance and snow drifting potential.

**6. STANDARDS OF DEVELOPMENT** – See Schedule 4.

**7. SIGN REGULATIONS**– See Schedule 9.



## **DIRECT CONTROL – DC**

### **Bylaw No. 1983**

#### **A Portion of Plan RY8 the Station Grounds and the Railway Right of Way located in the Northeast Section 31, Township 10, Range 26, West of the 4<sup>th</sup> Meridian within the Hamlet of Granum**

### **INTENT**

The intent of Bylaw 1983 is to accommodate the future development of a municipal stormwater project with a recreation component and the future subdivision of the remaining lands for industrial use.

### **1. LAND USES**

1.1 Uses are as follows:

(a) Permitted

- (i) stormwater management facilities and associated recreational amenities including but not limited to walk paths;
- (ii) those uses listed as permitted in Section 1 (1) of the Rural Commercial – RC land use district;

(b) Discretionary

- (i) those uses listed as discretionary in Section 1 (2) of the Rural Commercial – RC land use district

(c) Development not requiring a permit

- (i) stormwater management facilities and associated recreational amenities including but not limited to walk paths.

1.2 The decision-making authority for permitted uses has been delegated to the Development Officer and discretionary, similar use, and waiver decisions shall be delegated to the Municipal Planning Commission

1.3 Lot sizes and setbacks shall be at the discretion of the Development Officer for permitted uses and the Municipal Planning Commission for discretionary uses.

1.4 All standard development for commercial uses shall be at the discretion of the Municipal Planning Commission.







## **DIRECT CONTROL – DC**

### **Bylaw No. 1984**

**Lots 24-26, Block 15, Plan 2469Y located in the Northeast Section 31, Range 26, West of the 4<sup>th</sup> Meridian within the Hamlet of Granum**

#### **INTENT**

The intent of Bylaw 1984 is to accommodate the future development of a municipal building.

#### **1. LAND USES**

1.1 Uses are as follows:

(a) Permitted

(i) those uses listed as permitted in Section 1 (1) of the Rural Commercial – RC land use district;

(b) Discretionary

(i) those uses listed as discretionary in Section 1 (2) of the Rural Commercial – RC land use district

1.2 The decision-making authority for permitted uses has been delegated to the Development Officer and discretionary, similar use, and waiver decisions shall be delegated to the Municipal Planning Commission

1.3 Lot sizes and setbacks shall be at the discretion of the Development Officer for permitted uses and the Municipal Planning Commission for discretionary uses.

1.4 All standard development for commercial uses shall be at the discretion of the Municipal Planning Commission.





Schedule 3

**DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT**

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## DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

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### 1. EXEMPTIONS

No development permit is required for any development specifically exempt by virtue of its inclusion in any regulations passed by the Lieutenant Governor in Council pursuant to the *Municipal Government Act*.

### 2. SETBACKS

No development permit is required for development listed in Section 3 of this schedule provided the following setbacks are met or exceeded:

- (a) 22.86 m (75 feet) from the right-of-way of a developed or undeveloped roadway not designated as a highway in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26;
- (b) such distances as required by Alberta Transportation for highways designated in the Memorandum of Agreement;
- (c) 152.4 m (500 feet) from a flood plain;
- (d) such setbacks as required within a pertinent land use district.

### 3. DEVELOPMENT PERMIT NOT REQUIRED

- (1) No development permit is required for development of the following, provided the setbacks established in Section 2 of this schedule are met or exceeded:
  - (a) the carrying out of works of maintenance or repair, if such works do not include structural alterations and interior building renovations not affecting the existing use, rooflines, or exterior dimensions of a building;
  - (b) the maintenance and repair of public works, services and utilities carried out by or on behalf of federal, provincial, municipal or public authorities on land which is publicly owned or controlled;
  - (c) concrete or asphalt parking surfaces (excluding carports);
  - (d) sidewalks;
  - (e) utility and garden sheds not on a permanent foundation and do not exceed 13.94 m<sup>2</sup> (150 sq. ft.);
  - (f) landscaping;
  - (g) extensive agriculture (cultivation and ranching);
  - (h) vehicles registered under the *Alberta Motor Vehicles Administration Act*, including:
    - (i) construction trailers stored or used on an approved site,

- (ii) recreational vehicles being stored or used in an approved campground as a place of occupation; and,
  - (iii) travel trailers being stored or used in an approved campsite;
  - (i) water wells;
  - (j) wind fences;
  - (k) personal storage structures, playground equipment and play houses for personal use, including moved-in buildings not on a permanent foundation and do not exceed 13.94 m<sup>2</sup> (150 sq. ft.);
  - (l) outdoor arenas; and
  - (m) election signs.
- (2) No development permit is required for any use, building or structure associated with extensive agriculture listed below **provided the setbacks referred to in Section 2 of this schedule are met or exceeded:**
- (a) corrals and wooden fences;
  - (b) dugouts;
  - (c) farm gravel pits for on farm use to a maximum of 0.4 ha (1 acre);
  - (d) farm sheds, quonsets, barns and farm workshops;
  - (e) granaries;
  - (f) haystacks and livestock shelters;
  - (g) maintenance of existing buildings or structures;
  - (h) windrows, shelters belts and landscaping.
- (3) If there is doubt whether a development is of a kind specified in subsection (1) or (2) above, the matter shall be referred to the Municipal Planning Commission whose decision shall be final as to whether or not a development permit is required.

#### 4. SIGNS

- (1) Except in hamlets, the erection of farm, institutional or business signs, including overhead gate signs, may be allowed to locate within the prescribed setbacks on private property provided all the following conditions are met:
- (a) the owner of the signs also owns or occupies the property on which the signs are located,
  - (b) the signs conform with this bylaw in every other respect, and
  - (c) the signs do not obstruct vehicular visibility or create a snow-drifting problem.
- (2) The erection of real estate for sale signs may be allowed on a temporary basis provided the signs are located on private property and do not exceed 0.56 m<sup>2</sup> (6 sq. ft.) in size.



- (3) The erection of signs not exceeding 0.37 m<sup>2</sup> (4 sq. ft.) in size may be allowed to locate within the prescribed setbacks on private property, provided they do not obstruct vehicular visibility or create a snow-drifting problem.

## **5. HAYSTACKS**

Haystacks and hay yards may be allowed to locate within the prescribed setbacks on private property provided they do not obstruct vehicular visibility, in which case the Municipal District may require remedial measures be taken to rectify the situation, including removal if necessary.







Schedule 4

**STANDARDS OF DEVELOPMENT**

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## STANDARDS OF DEVELOPMENT

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### 1. QUALITY OF DEVELOPMENT

The designated officer or the Municipal Planning Commission may require additional standards as conditions of a development permit, in order to improve the quality of any proposed development within any land use district.

### 2. RETAINING WALLS

A retaining wall may be required as a condition of development if, in the opinion of the designated officer or the Municipal Planning Commission, the construction could impact slope stability, building integrity, or affect an adjacent property.

### 3. REFUSE COLLECTION AND STORAGE

- (1) In all land use districts refuse and garbage shall be stored in suitable garbage containers. Refuse and garbage holding areas, including containers, shall be screened from public view.
- (2) In a residential land use district no outdoor storage of garbage shall be permitted in any front yard, including any unscreened portion of either front yard on a corner lot except in an approved enclosure until such time as disposal occurs.

### 4. DRIVEWAYS

Vehicular access to and from corner lots shall be limited to locations along the minor street or cul-de-sac.

### 5. FENCES

- (1) Fences in rear side yards shall be limited to no greater than 1.8 m (6 feet) in height.
- (2) Post and rail and barbed-wire fences not posing a snow drifting problem may be located on property line; however, all other fences must adhere to the setback requirements in the respective land use districts.
- (3) Fences may be located on a property line in the Rural General – RG land use district.

### 6. BUILDING SETBACKS

- (1) The Municipal Planning Commission may waive the building setback requirement in a well-established residential area if in their opinion, the setback blends in with the prevailing yard pattern.



- (2) The Municipal Planning Commission may require varied building setbacks other than those listed if, in their opinion, such setbacks are necessary.
- (3) The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use is incompatible with a residential use.

## **7. EXTERIOR BUILDING FINISHES**

The designated officer or the Municipal Planning Commission may require specific finishing materials and/or colours to be used to ensure compatibility with:

- (a) surrounding or adjacent developments;
- (b) an addition or ancillary structure with existing structures on the same parcel.

## **8. DEVELOPMENT AGREEMENTS**

Where a development is proposed in any land use district requiring servicing beyond which the municipality might normally supply, the Municipal Planning Commission may require a development agreement establishing the responsibilities of the developer(s) and such an agreement be registered on title by caveat.

## **9. PRIVATE DRIVEWAYS**

The Municipal Planning Commission may require access and/or egress to a proposed development be in accordance with a Private Driveway Policy. (See Appendix E).

## **10. HAZARDOUS CHEMICAL STORAGE**

No hazardous chemical (as defined in the *Alberta Environmental Protection and Enhancement Act*) shall be permitted to be stored or kept within a Grouped Country Residential, Reservoir Vicinity, Flood Damage Reduction, Rural Recreational, Vacant Country Residential or Hamlet land use district.

## **11. OUTDOOR FUEL STORAGE**

The outdoor storage of fuel in any non-agricultural land use district shall be suitably fenced to the satisfaction of the Fire Marshall.

## **12. REFUSE COLLECTION ON CONSTRUCTION SITES**

All refuse on any construction site shall be properly screened from view and contained in an approved enclosure until such time as disposal occurs.

## **13. EASEMENTS**

In no case shall a building be located closer than 3.05 m (10 feet) to a registered easement, or such greater distance as may be required by the Municipal Planning Commission.



**14. TEMPORARY USES** – See Section 24 of the Administration section of this bylaw

**15. ENVIRONMENTAL IMPACT REQUIREMENTS AND CRITERIA**

An environmental impact assessment and development permit conditions to satisfactorily minimize:

- (a) soil erosion and coulee slumping;
- (b) contamination of air or water;
- (c) hindrance or alteration of water flow to a lake, river or reservoir;
- (d) compromising the aesthetic quality of a scenic area;
- (e) damage to an ecologically sensitive habitat or area of historic importance;
- (f) conflicts with surrounding land uses;

may be required by the Municipal Planning Commission for any development proposed within 300 m (984 feet) of:

- (i) a waterbody; or
- (ii) an existing or potential recreation area;
- (iii) an environmentally significant area, critical wildlife zone or regionally sensitive area.

**16. COULEE AND WATERBODY SETBACK REQUIREMENTS**

- (1) No development shall occur within the distances calculated using the “Guidelines for the Subdivision of Land Adjacent to Steep Valley Banks” or subsequent guidelines provided by Alberta Environment and Parks (Figures 4.5 and 4.6, and Table 1) (see diagram below).
- (2) Development within the distances calculated using the “Guidelines for the Subdivision of Land Adjacent to Steep Valley Banks” or subsequent guidelines provided by Alberta Environment and Parks may be allowed on the basis of soils studies prepared by an engineer qualified in the field of soils analysis.
- (3) The Municipal Planning Commission shall require soils tests to be provided in support of any development permit application or subdivision application where they determine there is risk for soil failures.
- (4) The Municipal Planning Commission shall require a flood risk analysis for development permit applications or subdivision applications for properties located in any river valley, drainage course or within 30.48 m (100 feet) of the high water mark of other water bodies such as lakes. The analysis shall use the “Guidelines for the Subdivision of Land in Areas Adversely Affected by River Flooding and Erosion”.
- (5) The Municipal Planning Commission shall require an applicant for a development permit or subdivision approval to undertake a geotechnical study to determine slope stability where they determine there is a risk for slope failure.

Figure 4.1 - Cross-section of River Valley

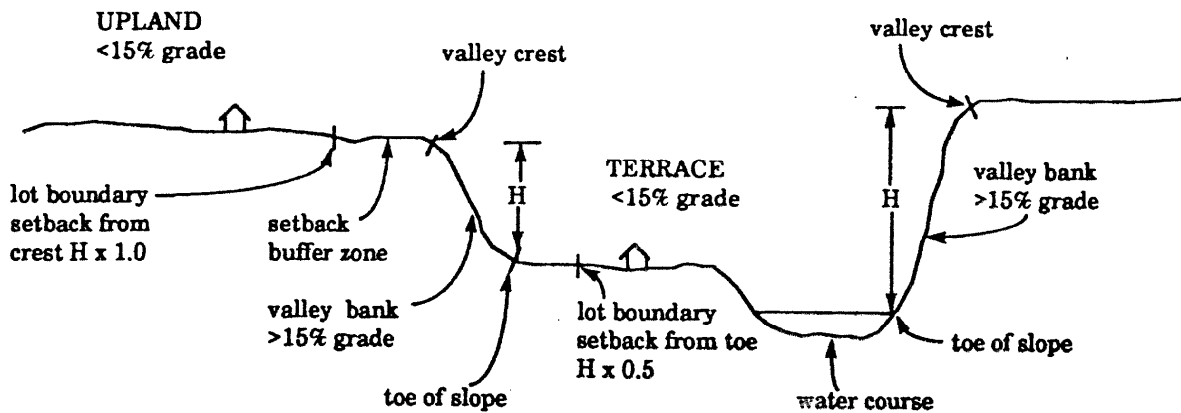


Table 1

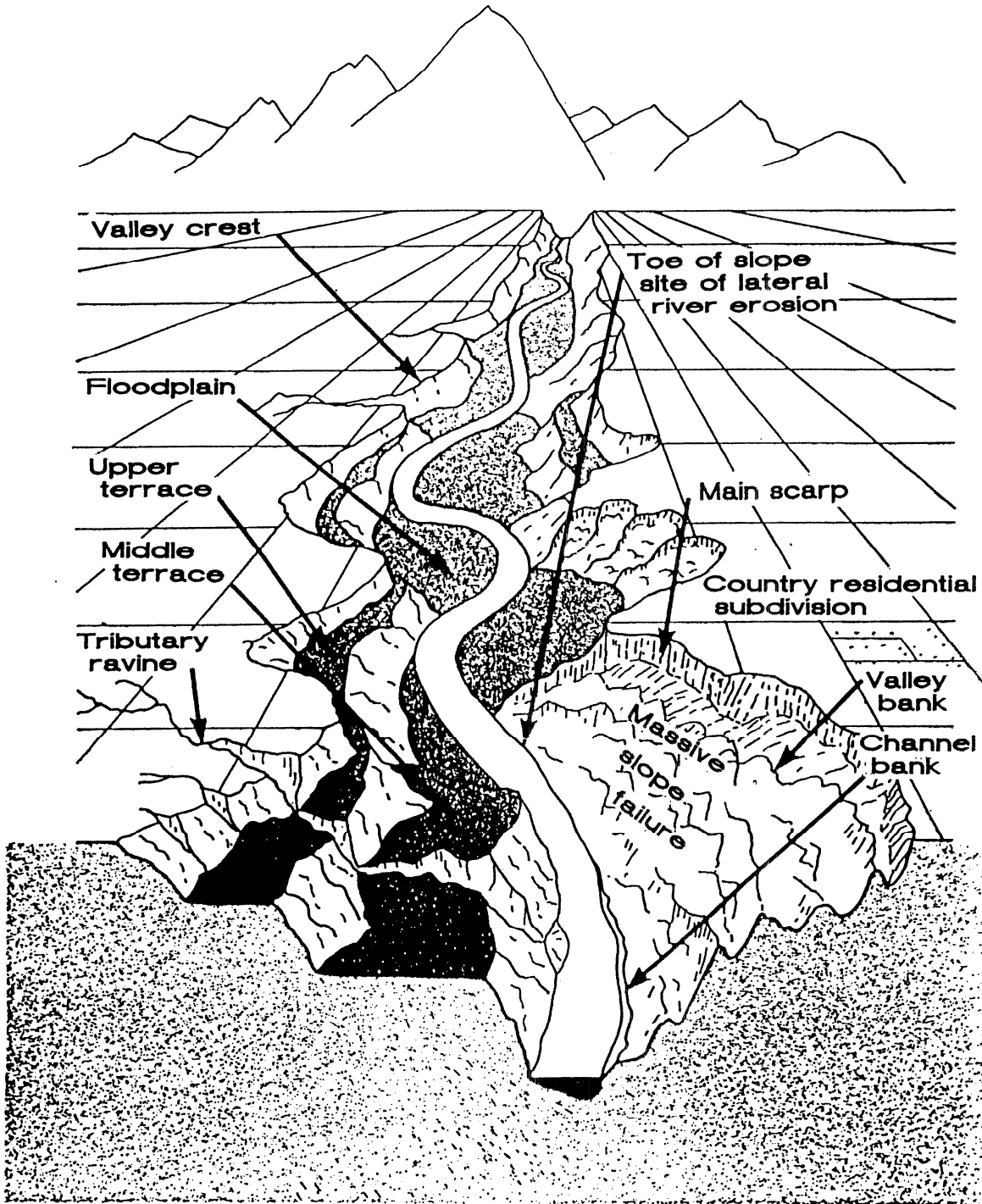
**Guidelines for the Setback of Lot Boundaries from a River Valley Crest where the Grade of the Adjacent Valley Bank Exceeds 15%**

LOT BOUNDARY SETBACK

SLOPE FACTOR	H <sup>1</sup> x 2.0	H x 2.5	H x 3.0
LATERAL RIVER EROSION OF TOE OF SLOPE	No Erosion <sup>2</sup>	Minor Active Erosion	Major Active Erosion <sup>3</sup>
SLOPE STEEPNESS	>15 to 50% (>8.5 to 26.6 degrees)	51 to 100% (27.0 to 45 degrees)	more than 100%
SLOPE FAILURE ON BANK	No Failure, Minor <sup>4</sup> Inactive	Minor Active, Major <sup>5</sup> Inactive	Major Active Failure
PAST & EXISTING ANTHROPOGENIC DISTURBANCE <sup>6</sup>	No Disturbance to Moderate	Major Disturbance	
PROPOSED ANTHROPOGENIC DISTURBANCE	Minor to Moderate Disturbance	Major Disturbance	

- 1 The valley bank height, H is defined as the vertical distance from the valley crest to the toe of slope. The toe of slope may be found either where the valley bank meets a terrace or where it directly enters the water course.
- 2 an abandoned slope with the toe protected by a terrace
- 3 occurs on an outside bend of a river meander or opposite an island
- 4 minor refers to shallow slope failures, surface sloughing
- 5 major refers to deep seated slope failures involving the entire valley bank
- 6 man-induced disturbance such as excavating, filling, recontouring, drainage works, reservoirs, mining and tunnelling, utilities and roads

Figure 4.2 - Drawing of River Valley





## 17. DRAINAGE

- (1) At the discretion of the designated officer or Municipal Planning Commission, the applicant shall be required to grade a parcel so all surface water shall drain from the building and site improvements.
- (2) The designated officer or Municipal Planning Commission shall establish parcel and building elevations if drainage from existing elevations may affect adjacent parcels.

## 18. SURFACE MINING OPERATION REQUIREMENTS

As a condition of approval and before a permit is issued for resource extraction uses (such as gravel pits, stone quarries), a plan of reclamation satisfactory to the Development Authority in accordance with Alberta Environment and Parks requirements shall be filed with the municipality. All topsoil shall be stockpiled for use in reclaiming the site. Stripping of topsoil for sale is prohibited.

## 19. AREA STRUCTURE PLAN REQUIREMENTS / CONCEPTUAL SCHEMES

The Development Authority may require an applicant submit an area structure plan or a conceptual scheme prior to the designation of, or consideration for, development. Such plans shall address the following concerns to the satisfaction of the Municipal Planning Commission:

- (a) lot design, servicing, access and sequence of development;
- (b) undevelopable on site areas subject to flooding, groundwater inundation, slumping and erosion;
- (c) on site areas of historical or archaeological significance;
- (d) impact on the urban expansion strategies of any neighbouring municipality;
- (e) impact on the safe, efficient operation of designated highways or rural roads;
- (f) impact on future resource development of the area;
- (g) impact on, access to or development of the areas existing or potential recreation amenities;
- (h) impact on wildlife habitats, natural areas and ecological reserves;
- (i) potential conflicts with adjacent or surrounding land uses, particularly agricultural operations and irrigation systems;
- (j) construction and financial responsibilities of the developer (development agreement);
- (k) the impacts on a designated highway;
- (l) if the proposal results in six parcels or more in a quarter section, a certified report shall be prepared in accordance with the "Report Requirements under Section 23 of the *Water Act* for Subdivision Development";
- (m) areas of historic or archaeological significance; and
- (n) any other matters considered necessary by the Development Authority (see Appendix F).

## 20. LANDSCAPING

- (1) The front yard (except for sidewalks and driveways) of development in a designated hamlet shall be landscaped to the satisfaction of the designated officer.
- (2) In the case of corner lots in a designated hamlet, the side street frontage shall be landscaped to the satisfaction of the designated officer.
- (3) Landscaping may consist of any or all of the following:
  - (a) trees, shrubs, lawn, flowers;
  - (b) large feature rocks, bark chips, field stone;
  - (c) berming, terracing.

## 21. SCREENING

The designated officer shall require appropriate screening for uses which involve the outdoor storage of goods, machinery, vehicles and building materials, waste materials and other items.

## 22. GARDEN SUITES

A garden suite may be relocated on a residential parcel for the purpose of providing accommodations for one or more persons. All garden suites shall comply with the following:

- (a) an applicant shall be the registered owner of the lot;
- (b) the *Safety Codes Act* and Alberta Private Sewage Systems Standards of Practice;
- (c) a proposed modular/mobile home, when used as a garden suite, shall adhere to the modular/mobile home development standards contained in this Land Use Bylaw.

## 23. KEEPING OF ANIMALS

- (1) The keeping of all animals is subject to the licensing and regulatory provisions of the Municipal District of Willow Creek Dog Control Bylaw.
- (2) No livestock or poultry, with the exception of dogs, cats and other such domestic pets as are typically kept indoors, shall be kept on lots 3 acres (1.2 ha) or less in size.
- (3) On a country residential lot or on a lot in a hamlet greater than 3 acres (1.2 ha) and less than 5 acres (2.0 ha) in size, not more than a total of two (2) of the following may be kept, including but not limited to: horses, cattle, pigs, donkeys, sheep, mules, goats, llamas, or alternatively a total of twelve (12) fowl or rabbits.
- (4) A person may be allowed to keep animals, livestock, or fowl in excess of the number specified in Section 23(3) if, in the opinion of the Municipal Planning Commission, the site is suitable for such use and it is determined the additional numbers would not create a nuisance for neighbouring properties.



- (5) All animals, on a residential lot, are kept only for the private use and enjoyment of the residents of the lot.
- (6) The keeping of exotic reptiles and/or threatened or endangered species is prohibited.

## **24. CABINS / GUEST HOUSES**

All cabins/guest houses constructed or relocated on residential lots shall comply with the following:

- (1) A lot intended for a cabin/guest house shall have an area of at least 0.4 ha (1 acre).
- (2) Cabins/guest houses shall be a maximum of 46.45 m<sup>2</sup> (500 sq. ft.) in size.
- (3) Cabins/guest houses shall be a minimum of 27.88 m<sup>2</sup> (300 sq. ft.) in size.
- (4) Only one cabin/guest house shall be allowed per parcel.
- (5) Coverage of all buildings on a residential lot shall not exceed 15 percent of the total site area.
- (6) Cabins/guest houses shall comply with the *Safety Codes Act* and Alberta Sewage Treatment and Disposal Regulation.

## **25. CAMPGROUNDS**

- (1) A comprehensive site plan shall be provided to the satisfaction of the Municipal Planning Commission showing the location, design standards and site requirements of any common accessory uses and services, such as a washroom, laundromat, recreational building, retail store, food concession, fire pit, fire wood storage, lighting, water supply, wastewater disposal facility, solid waste collection facility and any other similar use or service associated with or required within a campground. The following regulations shall apply to the campground site plan:
  - (a) a minimum site area of 1.21 ha (3 acres);
  - (b) a minimum of 10 percent of the total site shall be set aside in a location acceptable to the Municipal Planning Commission as a common open space recreation area;
  - (c) the road system shall be properly signed for users and for emergency response vehicles;
  - (d) roads shall be hard surfaced or surfaced to the satisfaction of the Municipal Planning Commission;
  - (e) pedestrian circulation routes to public facilities and major recreational activity areas shall be provided;
  - (f) potable water and wastewater disposal shall be required;
  - (g) minimum campground front, side and rear yards shall be 6.1 m (20 feet) from all site boundaries;



- (h) Parking requirements shall be:
  - (i) one (1) parking stall per camping stall; and
  - (ii) one (1) visitor parking for every 10 stalls provided in a common area.
- (2) A fire safety plan outlining fire prevention, mitigation and suppression procedures shall be submitted to the municipality prior to becoming operational, and fire preparedness equipment shall be to the satisfaction of the Emergency Service Manager.
- (3) A landscaping plan shall provide and retain natural vegetation and provide a buffer from adjacent uses.
- (4) One on-site surveillance suite may be permitted.
- (5) Animal-proof garbage cans shall be provided throughout the campground.

## **26. CANNABIS RELATED DEVELOPMENT – See Schedule 14**

## **27. DARK SKY STANDARDS**

- (1) The following standards shall apply:
  - (a) full cut off fixtures shall be installed on residences, buildings, structures, signs and yard lights;
  - (b) exterior lighting and fixtures shall be oriented as to direct all light below the horizon in a downward direction;
  - (c) structures requiring lighting from the bottom up shall be prohibited, except in the case of airports, runways, penitentiaries, flag poles and other federal or provincially regulated facilities;
  - (d) lighting on private property and in public areas shall use shields, reduced lumens, and LED light bulbs to limit the effects of light pollution on astronomical observation, plant and animal cycles, and safety and health of municipal residents;
  - (e) the use of laser light sources or search lights for outdoor advertising is prohibited;
  - (f) the use of non-shielded lighting, search lights and laser light sources for outdoor entertainment shall be prohibited, unless allowed by a temporary permit;
  - (g) temporary activities for which a temporary permit has been granted for the use of lighting prohibited in subsection (f) shall be extinguished as soon as reasonably possible, after the activity has ceased;
  - (h) the use of drop lens cobra head light fixtures for street lighting purposes is prohibited and where ever and whenever possible, flat lens streetlight fixtures shall be permitted; and
  - (i) development permits shall include a condition requiring no luminaire shall be oriented where the light emitted trespasses beyond the property line on which the luminaire is situated.



(2) Exemptions from dark sky standards shall include:

- (a) agricultural equipment;
- (b) feedlots;
- (c) dairies;
- (d) corrals and barns used to manage livestock;
- (e) penitentiaries and correctional facilities;
- (f) law enforcement buildings and structures;
- (g) emergency services vehicles and incident command scenes;
- (h) holiday lighting;
- (i) industrial/commercial entities which require external lighting where dark sky standards do not meet federal or provincial requirements; and
- (j) flag poles.



Schedule 5

**MOBILE/MODULAR HOME DEVELOPMENT STANDARDS**

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## MOBILE/MODULAR HOME DEVELOPMENT STANDARDS

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### 1. STANDARDS AND REQUIREMENTS APPLICABLE TO MOBILE/MODULAR HOMES

- (1) Mobile/Modular Home Development Standards - Schedule 5.
- (2) Standards of Development - Schedule 4.
- (3) All standards, requirements and guidelines shall apply to both single-wide and double-wide units.

### 2. ELIGIBLE MOBILE/MODULAR HOMES

Eligible mobile/modular homes include:

- (a) new factory built units;
- (b) used factory built units in a state of good repair (to the satisfaction of the designated officer);
- (c) Canadian Standards Association (CSA) certified units.

### 3. APPLICATION REQUIREMENTS

Any application for a development permit to locate a used mobile/modular home shall:

- (a) include recent colour photographs of the whole structure; and
- (b) require an inspection by the Safety Codes Officer to determine the unit's suitability and placement.







Schedule 6

**MODULAR HOME COMMUNITY STANDARDS**

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## MODULAR HOME COMMUNITY STANDARDS

In addition to the General Rules contained in Schedule 4, the following rules apply.

### 1. SITING PLAN

- (1) An approved siting plan shall be required prior to the subdivision and/or development of land, and all development shall conform to the siting plan.
- (2) The siting plan shall show:
  - (a) lot or site dimensions;
  - (b) minimum setbacks;
  - (c) the type of dwelling and number of dwelling units on each lot or site;
  - (d) signage;
  - (e) garbage containers;
  - (f) lighting;
  - (g) open space;
  - (h) buffers;
  - (i) landscaping including screening around garbage containers and community facilities and buildings;
  - (j) location of utilities or required infrastructure; and
  - (k) other information as deemed necessary by the Municipal Planning Commission.
- (3) The siting plan shall incorporate:
  - (a) curvilinear internal roads;
  - (b) an internal road system minimizing potential traffic congestion, traffic hazards and conflict with pedestrian traffic;
  - (c) a pedestrian walkway system connecting homes with community facilities and abutting public walkways;
  - (d) recreation and open space conveniently located for residents and is free from traffic hazards;
  - (e) variation in front setbacks;
  - (f) cluster designs or other lot or site configurations promoting a wide choice of sites and settings for residents, maximize privacy and minimize conflict between adjacent lots and community facilities; and



- (g) established guidelines and standards satisfactory to the Municipal Planning Commission governing the design and materials of homes, community buildings and facilities, carports, patios, porches, foundations, fences and other attached or detached structures.
- (4) The siting plan shall be evaluated and approved by the Municipal Planning Commission on the basis of the development standards of this schedule. The Municipal Planning Commission may adopt additional guidelines to evaluate the siting plan. All development applications shall adhere to this site plan.
- (5) Any waivers granted shall not alter the intent or substance of the siting plan.

## 2. LOT STANDARDS

- (1) **Community Area** – A minimum size of 2.02 ha (5 acres).
- (2) **Lot or Site Area for Dwellings**
  - (a) A minimum area for single section homes of 350 m<sup>2</sup> (3767 sq. ft.).
  - (b) A minimum area for multi-section homes of 400 m<sup>2</sup> (4306 sq. ft.).
- (3) **Lot or Site Width**
  - (a) A minimum width for single section homes of 12 m (39.4 feet).
  - (b) A minimum width for multi-section homes of 13.5 m (44.3 feet).
- (4) **Lot or Site Depth**
  - (a) A minimum depth for single section homes of 29 m (95.1 feet).
  - (b) A minimum depth for multi-section homes of 27 m (88.6 feet).
- (5) **Density** – A maximum density of 20 dwelling units per ha (8 units per acre).

## 3. SETBACKS AND DEVELOPMENT STANDARDS

- (1) **Front Yard** – A minimum yard measured from a community or public road right-of-way of 4.6 m (15.1 feet).
- (2) **Side Yards** –  
Principal Building – 1.22 m (4 feet) for each side yard.
- (3) **Rear Yard** – A minimum yard of 1.52 m (5 feet).
- (4) **Separation Spaces** – A minimum separation between any building and the boundary of the community is 4.57 m (15 feet).
- (5) **Floor Area** – A minimum floor area for each dwelling is 65.03 m<sup>2</sup> (700 sq. ft.).



**(6) Lot or Site Coverage**

- (a) The maximum coverage for all buildings is 40 percent.
- (b) The maximum coverage for accessory buildings is 15 percent.

**(7) Height of Buildings**

- (a) The maximum height for dwellings and other principal building is two storeys.
- (b) The maximum height for accessory buildings is 5 m (16.4 feet).

**(8) Other**

- (a) Dwellings shall have CSA and Alberta Building Standards (ABS) Label Numbers.
- (b) All finish materials shall be parged, factory fabricated or of equivalent quality, be pre-finished or painted so the design and construction complements the dwelling.
- (c) Equipment used for transportation of modular homes shall be removed from the dwelling and the site within ten (10) days of the installation being completed.
- (d) Dwellings shall be placed on a CSA Z240.10.1 Standard foundation, an engineer approved foundation, or a basement.
- (e) The floor area of an addition shall not exceed the floor area of the dwelling.
- (f) Two off-street parking stalls shall be provided by the owner.
- (g) All attached or accessory structures such as room additions, porches, sun rooms, garages and garden sheds shall be a factory prefabricated unit and shall be pre-finished or painted so the design and construction complements the principal building.

**4. DESIGN STANDARDS**

**(1) Vehicular and Pedestrian Areas**

- (a) All roads in a community shall meet the municipality's Engineering Design Standards.
- (b) Internal pedestrian walkways shall have a hard surface and a minimum width of 1 m (3.3 feet).
- (c) Visitor parking shall:
  - (i) be located in convenient areas throughout the community;
  - (ii) be properly signed; and
  - (iii) not be used for storage.
- (d) A secondary access from a public roadway shall be provided for emergency access to any community containing more than 70 lots or sites.
- (e) All roads shall be designed, constructed and paved in accordance with specifications approved and certified by a Professional Engineer.

**(2) Recreation and Landscaping Areas**

- (a) On parcels of land where reserves have been taken, the Municipal Planning Commission may require a maximum of 2.5 percent of the gross area of the parcel for recreational use.
- (b) On parcels of land where reserves have not been taken, the Municipal Planning Commission may require a maximum of 10 percent of the gross area of the parcel for recreational use.
- (c) Areas of a community not occupied by dwellings, buildings, roads and other facilities shall be landscaped to the satisfaction of the Municipal Planning Commission.
- (d) Adequate screening shall be provided around garbage containers and storage facilities to the satisfaction of the Municipal Planning Commission.
- (e) For the purpose of calculating recreational and open space requirements, any indoor recreational space fully developed in a community facility, shall be counted as triple its actual total floor area. Any common outdoor community facility such as a swimming pool, tennis courts, shuffle boards, lawn bowling, putting greens or barbecue patios, may be counted as double its actual surface area, subject to the approval of the Municipal Planning Commission.

**(3) Buffering**

- (a) The need for a buffer area, landscaping, screening or a perimeter fence, shall be determined on an individual case by case basis depending upon natural conditions found on the parcel, adjacent land uses and the proposed roads, storage facility, lots or sites and open space locations.
- (b) Buffer areas, required by the Municipal Planning Commission, shall be restricted to a maximum width of 4.57 m (15 feet) adjacent to a highway or railway and 3.05 m (10 feet) elsewhere. The buffer width requirement may be reduced or eliminated by the use of berms, walls, fences or dense landscape screening, or a combination thereof as determined by the Municipal Planning Commission.

**(4) Signs**

- (a) Only one freestanding identification sign, of a residential character and appearance, shall be erected at the entrance of a community unless the Municipal Planning approves another sign due to the layout, location and size of the community.
- (b) Directional signs within the community shall be integrated in design and appearance, be kept in scale with the immediate surroundings, and constructed of durable materials.
- (c) All signs shall require a development permit.

**(5) Lighting**

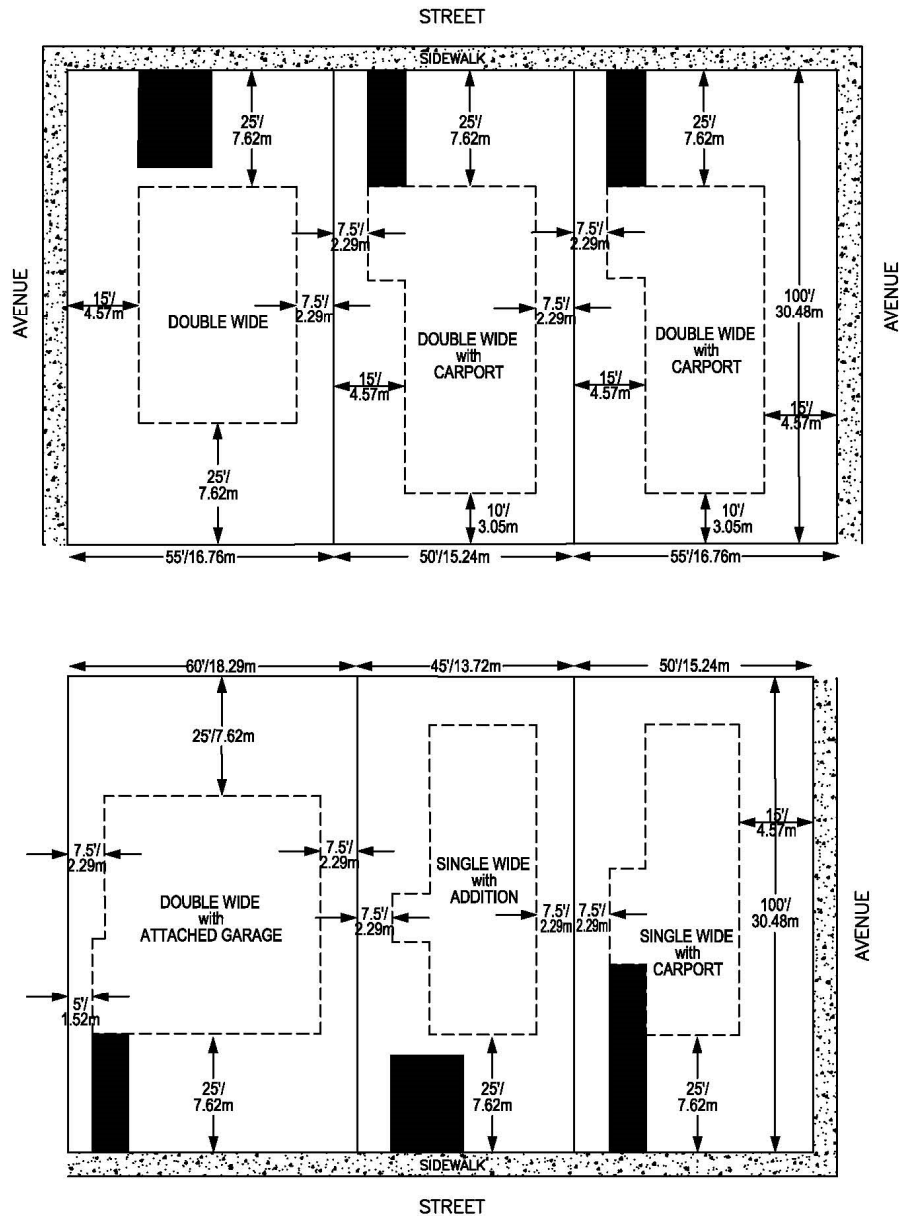
Adequate road lighting shall be designed by a Professional Engineer to the satisfaction of the Municipal Planning Commission. Such lighting shall be installed and maintained to adequately illuminate the travelled portion of the road including all intersections, the turning circle of cul-de-sacs, any point at which an internal roadway changes direction 30 degrees or more, and any off-street visitor parking areas in conformance with the Dark Sky policy in Schedule 4.

(6) **Utilities**

Underground utilities shall be provided to all lots or sites.

**5. MOBILE/MODULAR HOME SETBACKS AND SITING PLAN GUIDELINE**

Figure 6.1









Schedule 7

**MOVED-IN BUILDINGS**

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## MOVED-IN BUILDINGS

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### 1. APPLICATION

Any application for a development permit for a moved-in building considered by the Municipal Planning Commission shall:

- (a) be accompanied by recent colour photographs of the whole structure;
- (b) be accompanied by a suitable guarantee of either a performance bond or an irrevocable letter of credit as established by the Municipal Planning Commission.

### 2. COMPLETION OF CONSTRUCTION

The building, when completed, shall:

- (a) meet or exceed the provincial building standards before it is occupied;
- (b) comply with provincial safety codes, health regulations and municipal fire regulations and be subject to inspections by the appropriate agencies;
- (c) be subject to such further conditions as may be required by the designated officer or the Municipal Planning Commission, having regard to the potential impact on existing and proposed uses in the vicinity of the site;
- (d) comply with all other applicable conditions under this bylaw.





Schedule 8

**OFF-STREET PARKING AND LOADING AREA REQUIREMENTS**

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## OFF-STREET PARKING AND LOADING AREA REQUIREMENTS

### 1. GENERAL PARKING REQUIREMENTS

- (1) All parking space provided shall be on the same lot as the building or use, except where the Municipal Planning Commission may permit parking space to be on a lot within such distance as prescribed by the Municipal Planning Commission if, in their opinion, it is impractical to provide parking on the same lot with the building or use.
- (2) The number of parking stalls to be provided for any land use shall be as approved by the designated officer or the Municipal Planning Commission.
- (3) Parking areas shall be laid out and delineated in a manner which shall provide for orderly parking.
- (4) Parking areas shall be constructed in a manner which shall permit adequate drainage and snow removal.
- (5) The designated officer or Municipal Planning Commission may require a parking area or portions thereof be hard-surfaced.
- (6) Off-site levies may be charged for parking areas or portions thereof not conforming to this bylaw.
- (7) Parking stalls shall be a minimum of 3.05 m by 6.1 m (10 feet by 20 feet) in size.

### 2. SPECIFIC REQUIREMENTS

USE	NUMBER OF STALLS REQUIRED
Automotive sales and service	1 per employee or more as required by the designated officer
Bulk fertilizer storage and sales	1 per employee or more if required by the designated officer
Bulk fuel and sales	1 per employee or more if required by the designated officer
Churches	1 per each 4 seating spaces
Civic halls or clubs and public assembly buildings	1 per 9.29 m <sup>2</sup> (100 sq. ft.) of gross floor area or 1 per every 6 seating spaces



USE	NUMBER OF STALLS REQUIRED
Grain elevators	1 per employee or more if required by the designated officer
Medical clinics	1 per employee and 1 per each 18.58 m <sup>2</sup> (200 sq. ft.) of gross floor area
Motor hotels and motels	1 per guest room
Multiple family dwellings	1.5 per dwelling unit
Public services	As required by the designated officer
Public utilities	As required by the designated officer
Retail and service outlets	1 per each 27.87 m <sup>2</sup> (300 sq. ft.) of gross floor area
Roadside restaurants and cafes	1 per every 2 seating spaces
Schools	1 per employee or more if required by the designated officer
Service stations	1 per employee and 2 per service bay
Single family dwellings and mobile homes	2 per dwelling
Single family dwellings (Moon River Estates land use district)	4 per dwelling
Theatres	1 per 4 seating spaces
Two family dwellings	2 per unit
All other uses	As required by the designated officer

### 3. LOADING AREA REQUIREMENTS

- (1) For commercial, industrial and other uses determined by the Municipal Planning Commission, there shall be a minimum of one (1) off-street loading area, or more as required by the designated officer.
- (2) The designated officer or the Municipal Planning Commission may require off-street loading areas be provided in other land use districts.
- (3) The designated officer or the Municipal Planning Commission may require additional loading areas or doors at their discretion.
- (4) Each loading area shall be a minimum of 3.05 m (10 feet) in width and 9.14 m (30 feet) in length.
- (5) Each loading area shall be designed so vehicles using it will not interfere with safe and convenient pedestrian movement, traffic flow and parking.



Schedule 9

**SIGN REGULATIONS**

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## SIGN REGULATIONS

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### 1. DEFINITIONS

In addition to the definitions in Schedule 17 of this bylaw, the following definitions apply:

**A-Board sign** means a self-supporting A-shaped sign or sandwich board set upon the ground and has no external supporting structure.

**A-Board off-premises directional sign** means a self-supporting A-shaped sign or sandwich board set upon the ground and has no external supporting structure at a location other than the premises on which the business is located.

**Abandoned sign** means a sign which no longer advertises or identifies an existing activity, business, owner, product, lessee or service, or a sign for which no legal owner can be found.

**Animated sign** means a sign which uses movement or change of lighting to depict action or to create a special effect or scene, but does not include a changeable copy sign.

**Awning** means an adjustable or temporary roof-like covering fitted over windows and doors and used for shelter, advertising or decoration.

**Balloon sign** means any inflatable device, used as a sign, anchored to the ground or a building.

**Banner sign** means a sign made of fabric or other non-rigid material with no enclosing framework.

**Billboard** means a sign designed to provide a leasable advertising copy area of not less than 8.5 m<sup>2</sup> (91.5 sq. ft.), where the copy can be replaced and is not necessarily related to an adjacent use.

**Boulevard** means a portion of a public roadway lying between a curb and the boundary of a lot or parcel.

**Canopy** means a permanent fixture fitted over windows and doors and used for shelter, advertising or decoration.

**Canopy sign** means a sign mounted, painted or otherwise attached to an awning, canopy or marquee.

**Changeable copy sign** means a sign on which the copy changes automatically through electronic or mechanical means.

**Clearance** means the shortest vertical distance between the underside of a sign and grade.

**Construction sign** means a temporary sign erected on a site where construction is taking place to identify the construction project.

**Copy** means the message on a sign in permanent or removable form.



**Copy area** means the entire area within a single square or rectangle or combination of squares or rectangles which encloses the limits of the advertising message or announcement, and which:

- (a) shall include, but not be limited to, decorations related to the specific nature of the advertising message or announcement;
- (b) the area of individual figures or letters shall be calculated on the basis of the smallest squares or rectangles enclosing the individual letters or figures; and
- (c) in the case of a double or multi-face sign, the average of the total area of all sign faces will be counted in copy area calculations.

**Community signs** means a sign advertising a local community organization.

**Council** means the Council of the Municipal District of Willow Creek No. 26.

**Development permit** means a document authorizing a development issued pursuant to the Land Use Bylaw.

**Directional off-premises sign** means a sign which advertises, directs or identifies a service, facility, product or activity found at a location other than the premises on which the sign is located.

**Electronic sign “electronic message board”** means a computerized structure which uses digital technology to provide visual communication in advertising or conveying a message to pedestrian or vehicular traffic.

**Facade** means the entire front of a building including the parapet.

**Fascia sign** means a sign attached across the face of a building, located parallel, in a manner the wall becomes the supporting structure for, or forms the background surface of the sign, and does not project more than 0.3 m (1 foot) from the building or structure supporting the sign.

**Free-standing sign** means a sign or display supported by a free-standing column or structure.

**Frontage** means the front lot line or side of a lot abutting a public roadway, but does not include a side abutting a lane, unless said lane is the only means of physical access to a lot.

**Height of sign** means the vertical distance measured from the highest points of the sign or sign structure to grade.

**Home occupation sign** means a sign advertising a home occupation approved under the provisions of the Land Use Bylaw.

**Illumination** means the lighting of a sign by artificial means described as:

- (a) internal illumination which means the lighting of a sign face from a light source located within the sign or behind the copy;
- (b) directed illumination which means the lighting of a sign face from a light source located on or near the exterior of the sign; or
- (c) indirect illumination which means the lighting of a sign face by reflected light from a source distinct from, but intentionally directed toward the sign.



**Incidental sign** means a small sign, decal or emblem advertising goods, facilities, business hours or services available on the premises.

**Informational sign** means a sign providing directions to entrances, exits, parking areas, circulation direction, rest rooms, and pick-up and delivery areas.

**Illuminated sign** means a sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

**Marquee** means a permanent structure projecting over a public place, usually an entrance, and is permanently attached to and supported by a building.

**May** means an action is discretionary.

**Memorial sign** means a tablet or plaque memorializing a person, event, structure or site, not in conjunction with a commercial or industrial use.

**Merchandising aid** means a device, such as statues, inflatables, and tethered balloons containing a name, logo, advertising message or announcement intended to call attention to a business.

**Monument** means any natural or artificial object fixed permanently on land or on or in a building.

**Multiple listing or multi-tenant sign** means a sign containing two or more smaller signs, which identifies or advertises a different business, organization or facility.

**Mural** means a painting or decorative work applied to and made integral with an exterior wall surface of a building.

**Parapet** means the extension of a false front wall above a roof line.

**Political poster** means a temporary sign announcing or supporting candidates or issues in an election or plebiscite.

**Portable sign** means a sign not permanently affixed to a building or the ground, supported on a structure allowing it to be moved from one location to another.

**Projecting sign** means a sign wholly or partly dependent upon a building for support and projects more than 0.3 m (1 foot) from such building.

**Primary sign** means a sign advertising the primary use of the premises.

**Public place** means any location in the municipality for public use and includes streets, lanes, avenues, boulevards, sidewalks, parks, campgrounds, squares or rights-of-way.

**Real estate sign** means a sign pertaining to the sale or lease of the premises on which the sign is located.

**Resident identification sign** means a sign located on the premises, limited to providing the address and/or name of the owner or occupant of a building or premises.

**Roofline** means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or projections.



**Roof sign** means a sign which is entirely upon and above the roofline or parapet of a building.

**Secondary sign** means a sign advertising an occupation or use not being the primary use of the premises.

**Shall** means the action is mandatory.

**Sign** means a development:

- (a) constructed and permanently affixed directly or indirectly to any building, structure, window or a parcel of land; and
- (b) which is used to advertise, identify or display a commercial or non-commercial activity, product, place, organization, institution, person, service, event or location, by any means, including words, letters, figures, design, symbols, fixtures, colours, illumination or projected images and in such a manner to be visible from any public place, but does not include a real estate sign, window display, political poster, flag, athletic scoreboard, traffic or directional and informational sign erected by the municipality, the Province of Alberta or federal government.

**Sign area** means the face of a sign including the advertising surface and any framing, trim or moulding.

**Sign clutter area** means an area of the municipality the Municipal Planning Commission has declared by resolution to appear cluttered by excessive signs, requiring restrictions to limit the sign clutter.

**Temporary sign** means a sign permitted, designed or intended to be displayed for a short period of time.

**Theme sign** means a sign which is part of a series or group of signs incorporating a distinctive theme, design or logo.

**Third party sign** means a permanent off-premises sign advertising a commercial activity not located on the same lot or parcel of land as the sign.

**Waiver** means a whole or partial exemption from compliance with a particular standard or requirement of this bylaw.

**Wall sign** means a sign fastened to or painted on the wall of a building.

**Window sign** means a sign permanently applied to the inside surface of a window and intended to be viewed from the outside.

## 2. ADMINISTRATION

- (1) Unless specifically exempted under Schedule 3, no one shall erect, place, alter or commence a sign without obtaining a development permit.
- (2) In addition to information submitted with any development permit application, the designated officer or the Municipal Planning Commission may require additional details including:
  - (a) the location of existing and proposed signs on the lot or premises;



- (b) the size, height, and other dimensions of the proposed signs and any supporting structures, including mounting details if it is proposed to mount the signs on a building;
- (c) the finish proposed for the signs and the type of illumination or animation; and
- (d) photos and/or drawings at a suitable scale.

### **3. GENERAL REGULATIONS**

- (1) Signs and billboards shall be prohibited except for signs advertising the principal use of the premises or the principal products offered for sale on the premises.
- (2) No sign or combined area of two signs permitted on a single premises shall be in excess of 3.72 m<sup>2</sup> (40 sq. ft.) in area.
- (3) Lawn, fascia and freestanding signs shall be permitted subject to the following limitations:
  - (a) not more than two signs on the premises;
  - (b) the maximum height of a freestanding sign shall be 7.6 m (25 feet);
  - (c) the maximum height of a lawn sign or front yard sign shall be 2.74 m (9 feet); and
  - (d) the sign shall not create a visual obstruction to traffic.
- (4) The Municipal Planning Commission may approve:
  - (a) private directional and information signs;
  - (b) banding signs as part of a mall development; and
  - (c) any miscellaneous variance of these sign regulations.
- (5) The designated officer and/or the Municipal Planning Commission may require a sign to be removed or relocated at the sign owner's expense if:
  - (a) the sign becomes unsightly or unstable;
  - (b) the sign creates a snow or traffic visibility problem; or
  - (c) the municipal road needs to be widened, relocated or upgraded.
- (6) With the exception of approved off-premises signs, the message on a sign shall relate to the use of the lot or building where the sign is located.
- (7) All signs shall:
  - (a) be maintained in a safe and tidy manner to the satisfaction of the designated officer or the Municipal Planning Commission;
  - (b) be placed not to obstruct the vision of traffic or interfere with or cause confusion with an information sign, traffic sign or signal light; and
  - (c) not be relocated or repaired unless authorized by a development permit except for cleaning, repainting or routine maintenance.





- (8) The source of lighting for illuminated signs shall be fixed, non-flashing, non-revolving and shielded to the satisfaction of the designated officer or the Municipal Planning Commission. (See Dark Sky in Schedule 4)
- (9) Unless otherwise specified, the maximum area of a primary sign located on a lot with a single frontage is 12.08 m<sup>2</sup> (130 sq. ft.).
- (10) The Municipal Planning Commission may require a sign's design and/or the materials comprising it be of acceptable quality having regard to its size, purpose and location.

#### **4. FREESTANDING SIGNS**

A freestanding sign shall:

- (a) be permitted on the site of a non-residential land use or an approved home occupation;
- (b) be limited to one sign per frontage or a total of two signs on a single lot or premises with more than one frontage;
- (c) be limited to 7.62 m (25 feet) in overall height, including the supporting structure;
- (d) be limited to 6.5 m<sup>2</sup> (70 sq. ft.) of sign area per sign face;
- (e) be of a design and construction acceptable to the designated officer or the Municipal Planning Commission.

#### **5. PROJECTING AND CANOPY SIGNS**

A projecting or canopy sign shall:

- (a) be limited to one sign per individual lot or premises;
- (b) be at least 2.74 m (9 feet) above grade if it projects over public property;
- (c) not exceed 0.93 m<sup>2</sup> (10 sq. ft.) of copy area in the case of a projecting sign, or 9.29 m<sup>2</sup> (100 sq. ft.) in the case of a canopy sign; and
- (d) not be mounted or extend within 0.45 m (1.5 feet) of a roofline or the top of a parapet.

#### **6. FASCIA SIGNS**

- (1) A fascia sign shall be permitted in a non-residential land use district or in conjunction with an approved home occupation.
- (2) In a residential land use district, fascia signs shall be limited to one per frontage or, where there are two or more frontages, a total of two signs may be located on a single lot provided they are located on the same site as the use being advertised.
- (3) In a non-residential land use district, the total area of the one or more fascia signs on an exterior wall shall not exceed the lesser of 6.5 m<sup>2</sup> (70 sq. ft.) or 15 percent of the area of the exterior wall on which the sign or signs are located.



- (4) On a building which is divided into units, one or more of which have individual frontages, the area of the one or more fascia signs on an individual unit shall be limited to the equivalent of 15 percent of the area of the exterior frontage wall of the unit.
- (5) A fascia sign shall be located at or reasonably near the level of any other fascia or projecting signs on the same premises and/or adjacent buildings.
- (6) A fascia sign shall not be located within 0.45 (1.5 feet) of a roofline or the top of a parapet.

## **7. ROOF SIGNS**

A roof sign shall:

- (a) be limited to one sign in conjunction with one conforming non-residential development or use;
- (b) not exceed 8.36 m<sup>2</sup> ( 90 sq. ft.) of sign area;
- (c) not be placed on the sloped portion of a roof;
- (d) not project horizontally beyond an exterior wall, parapet or roofline;
- (e) not extend more than 4.57 m (15 feet) above the portion of the roof to which the sign is attached; and
- (f) be securely fastened to the building to the satisfaction of the designated officer or the Municipal Planning Commission.

## **8. PORTABLE OR SIDEWALK SIGNS**

- (1) A portable sign shall:
  - (a) be placed on private land and not exceed 3.72 m<sup>2</sup> (40 sq. ft.) in sign area;
  - (b) only be placed adjacent to or upon the parcel or premises to which it advertises;
  - (c) remain on a particular site for no more than a total of 120 days in any calendar year.
- (2) One portable sign shall be allowed on a lot with a single frontage and two signs shall be allowed on a lot with two or more frontages.
- (3) At the discretion of the Municipal Planning Commission, a portable sign not exceeding 0.7 m<sup>2</sup> (7.5 sq. ft.) may be permitted on a public sidewalk or boulevard strip for a limited period of time.
- (4) Unless approved by the Municipal Planning Commission, no portable sign shall be placed on, or project into, any public place.

## **9. HOME OCCUPATION SIGNS**

A sign associated with a home occupation shall:

- (a) be limited to one fascia sign, wall sign or freestanding sign on the premises of an approved ancillary non-residential use;

- (b) not extend more than 1.52 m (5 feet) above grade;
- (c) not be greater than 0.37 m<sup>2</sup> (4 sq. ft.) in area.

#### **10. THIRD PARTY AND OFF-PREMISES SIGNS**

The sign area of a third party or off-premises sign visible from a public roadway shall not exceed:

- (a) 2.32 m<sup>2</sup> (25 sq. ft.) where the speed limit is not over 50 km per hour; and
- (b) 4.65 m<sup>2</sup> (50 sq. ft.) where the speed limit is over 50 km per hour but no more than 80 km per hour; and
- (c) 6.5 m<sup>2</sup> (70 sq. ft.) where the speed limit is over 80 km per hour.

#### **11. TEMPORARY SIGNS**

A single temporary sign may be permitted on a single lot or premises provided:

- (a) it is to remain on the premises a total of no more than 60 days, cumulatively, in any one calendar year; and
- (b) the Development Officer is satisfied the sign-will not create a traffic hazard or obstruct other signs.



*MD of Willow Creek*

Schedule 10

**HOME OCCUPATIONS**

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## HOME OCCUPATIONS

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### 1. DEFINITIONS

For the purpose of this schedule, the following definitions apply:

**Home occupation** means the ancillary use of a dwelling unit and/or its accessory buildings or lands by any trade, profession, or craft for monetary gain involving the manufacture, processing, provision or sale of goods and/or services if the use, location, and operation is not readily apparent under normal scrutiny from the nearby lands or public roadways with the exception of signage associated with a major home occupation. Home occupations shall include, but not be limited to: basketry, weaving, small engine repair, manufacturing and/or sale of small crafts, goods and wares, sale of baked goods, ornaments, lawn decorations, garden produce and uses similar in nature.

**Home occupation, minor** means a home occupation where the use does not result in:

- (a) structural changes to existing buildings or construction of any additional buildings;
- (b) generation of pedestrian or vehicular traffic;
- (c) increase or change to any existing storage facilities;
- (d) outside storage of materials, commodities or finished products on site;
- (e) signage associated with the home occupation.

Examples include, but are not limited to: basketry, weaving, arts and crafts, sewing, sale of baked goods or ornaments, computer sales, repairs and programming, in-home business office, secretarial services, consulting services, tutorial services, contractors, small animal grooming, clothing and interior/exterior design.

**Home occupation, major** means a home occupation which is not defined as a minor home occupation.

### 2. APPLICATION

An application for a home occupation shall be considered by the Municipal Planning Commission or the designated officer upon an application filed by the registered owner of the property.

### 3. DISPLAYS/STORAGE

The issuance of a development permit for a minor home occupation shall not involve the display or storage of goods or equipment outside or inside the premises where these items are exposed to public view from the exterior.



#### **4. COMPATIBILITY WITH NEIGHBOURHOOD**

- (1) No variation in the residential character and appearance of the dwelling, accessory residential building, or land shall be permitted.
- (2) No offensive noise, vibration, electrical interference, smoke, dust, odours, heat or glare produced by the use shall be discernible beyond the premises.

#### **5. SIGNAGE**

Advertising signs shall be permitted in accordance with the signage regulations (see Schedule 9).

#### **6. UTILITIES**

The use shall not cause an increase in the demand placed on any one or more utilities and the combined total consumption for a dwelling and its home occupation does not significantly exceed the average for residences in the area.

#### **7. CONDITIONS OF APPROVAL**

Permits issued for home occupations shall be subject to the conditions attached and may be revoked at any time if, in the opinion of the Municipal Planning Commission, the use is, or has become detrimental to the residential character of and amenities of the neighbourhood.



**Schedule 11**

**WIND ENERGY CONVERSION SYSTEMS (WECS)**

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## WIND ENERGY CONVERSION SYSTEMS (WECS)

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### 1. TERMS AND DEFINITIONS

The following definitions apply to this Schedule:

**Blade** means a part of a WECS rotor which acts as a single airfoil, to extract kinetic energy directly from the wind.

**Blade Clearance** means the distance from grade to the bottom of the rotor's arc.

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Horizontal Axis Rotor** means a wind energy conversion system, typical of conventional or traditional windmills.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land

**Parcel Boundary, External** - The property boundary for lands which are outside the footprint of the wind farm and adjacent to the WECS, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** - The property boundary for lands which are within the footprint of the wind farm.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Rotor's Arc** - The largest circumferential path travelled by a WECS' blade.

**Total Height** - The height from grade to the highest vertical extension of a WECS. In the case of a WECS with a horizontal axis rotor, total height includes the distance from grade to the top of the tower, plus the distance from the top of the tower to the highest point of the rotor's arc.

**Towers** - The structure which supports the rotor above grade.

**Vertical Axis Rotor** - A wind energy conversion system where the rotor is mounted on an axis perpendicular to the earth's surface.



**Wind Energy Conversion System (WECS), Individual** – A wind energy conversion system less than 6.1 m (20 feet) in height consisting of a single structure with the capacity to generate electricity only for the property owner’s use on the site it is located, and not supplying power to the grid.

**Wind Energy Conversion System (WECS), Industrial Scale** – A wind energy conversion system of one or more structures designed to convert wind energy into mechanical or electrical energy on one or more parcels of land for commercial purposes.

## **2. WIND ENERGY CONVERSION SYSTEM (WECS), INDIVIDUAL**

*This section establishes standards of development small wind energy conversion systems for use by households, agricultural operators or individual business or industry intended to meet some or all of the electrical needs of the operator on the subject site, or a site immediately adjacent to the subject site.*

2.1 A single wind energy conversion system shall be required to obtain a development permit and is processed subject to the applicable land use district (including meeting all required setbacks to roadways and property lines) and the following additional standards:

- (a) An application for a single WECS may, upon the request of the Development Authority, be required to provide some or all of the information as outlined in Section 2.1 below.
- (b) The system’s tower shall be set back a minimum distance equal to the height of the tower from all parcel lines and a minimum distance of 3.0 m (10 ft.) from any other structure on the parcel on which the system is located if not attached to a structure. In addition the system’s tower is set back a minimum distance equal to the height of the tower from any structure on adjoining parcels.
- (c) The system’s tower may not exceed a maximum height of 12.2 m (40 ft.) on a parcel of less than 0.4 ha (1 acre), a maximum of 19.8 m (65 ft.) on a parcel of 0.4 ha (1 acre) to less than 2.0 ha (5 acres), and maximum height of 24.4 m (80 ft.) on a parcel 2.0 ha (5 acres) or more.
- (d) No more than one (1) WECS shall be allowed on a parcel.
- (e) Upon abandonment or termination of the system’s use, the entire facility, including the system’s tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-construction condition.

## **3. WIND ENERGY CONVERSION SYSTEM (WECS) - INDUSTRIAL SCALE WIND FARM**

*This section establishes standards of development for renewable energy projects for the purpose of producing energy for the commercial market. Typically, this use will include large scale systems for the production and sale of energy generated wind energy conversion systems (WECS). The Alberta Utilities Commission (AUC) regulates large scale/commercial energy projects. The Municipal District’s regulatory role is limited and established under sections 619 and 620 of the MGA. 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 of the development permit application requirements.*

3.1 All development applications for multiple WECS / Industrial Scale Wind Farm shall be accompanied by the following information:

- (a) a development permit application shall be submitted for each titled parcel;



- (b) an accurate site plan showing and labeling the following:
- (i) physical dimensions of the property or parcel;
  - (ii) the location of existing structures on the property or parcel;
  - (iii) elevation drawings plan drawn to scale;
  - (iv) foundation plan with specifications;
  - (v) if a non-tubular design is proposed, the anchor design, location of any guy wire anchors, and how the tower is to be secured from unauthorized access or use;
  - (vi) the exact location of each proposed WECS on the property;
  - (vii) the location of all existing and proposed utilities and sub-stations on the property or parcel;
  - (viii) the location of all existing and proposed utilities on lands abutting the subject property or parcel;
  - (ix) existing topography with contours at 3.0 m (10 ft.) intervals of the land;
  - (x) existing or proposed access roads;
  - (xii) if the WECS is to be developed in stages, a phasing;
  - (xii) proposed setbacks; and
  - (xiii) the project boundary including all lands (full quarter section and individual parcels) which area under lease or contract for the development of the multiple WECS / Industrial Scale Wind Farm.
- (c) a digital version of the site plan showing exact location and base elevation of each wind turbine in UTM coordinates with NAD 83 datum, Zone 12;
- (d) a visual representation depicting the wind farm from:
- (i) no further than 5 km (3.1-miles) away;
  - (ii) each accessible residence within 3.2 km (2.0 miles) of the wind farm boundaries;
  - (ii) any significant sites as determined by Development Authority.
- (e) The visual representation shall include:
- (i) scale elevations,
  - (ii) photographs and/or digital information of the proposed WECS showing total height, tower height, rotor diameter, colour and the landscape, and
  - (iii) photographs and/or digital information modeled on ideal visual conditions;
- (f) an analysis of the visual impact of above ground transmission lines to and from the property or parcel if above ground transmission lines are proposed for the development;
- (g) the manufacturer's specifications indicating:
- the WECS rated output in kilowatts;
  - safety features and sound characteristics;

- type of material used in tower, blade, and/or rotor construction;
  - dimensions;
- (h) an analysis of the potential for electromagnetic interference to other WECS, radio, telephone, wireless, satellite, micro-wave, radar, or other electronic communication systems;
- (i) an analysis of the potential for noise as required by AUC Rule 012 at:
- (i) the site of the tower,
  - (ii) the boundary of the development,
  - (ii) at any habitable or occupied residence within 2 km (1.2 miles) of any turbine;
- (j) an analysis of the potential for shadow or flicker at:
- (i) the site of the tower,
  - (ii) the boundary of the development,
  - (iii) at any habitable or occupied residence within 2 km (1.2 miles) of any turbine;
- (k) any impacts to the local road system including but not limited to:
- (i) a plan showing ingress and egress from the property or parcel detailing any impacts to the local road system including required approaches from public roads having regard to the Municipal District's Road standards; and
  - (ii) identification of the road or roads to be used to bring construction materials and equipment to the property or parcel, and the road or roads to be used to remove construction materials/debris and equipment from the property or parcel;
  - (iii) a construction transportation plan which includes lay down yard parking areas and an employee and equipment transportation plan
- (l) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
- (m) an analysis of environmental consideration including roadways, on-site potential for fluid leaks, impact upon wildlife, or any other identified issues;
- (n) a fire and emergency response plan prepared by a qualified professional approved by the municipality and the plan is to be reviewed and approved by the MD of Willow Creek Emergency Services; and
- (o) a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of affected landowners.
- (p) the results of the historical resource analysis, if required by Alberta Culture; and
- (q) the results of the public consultation process initiated by the developer; and
- (r) an analysis of private water wells, where landowners give consent, within 2.0 km (1.2 miles) of any proposed turbine which includes water well mapping, water quality and flow



test benchmarking conducted by the applicant prepared by a qualified professional approved by the municipality.

- 3.2 Prior to making a decision on a development application for a multiple WECS / Industrial Scale Wind Farm, the applicant shall provide the Municipal District with the results of the applicant's circulation of their proposal to the following agencies and departments:
  - (a) Alberta Utility Commission (AUC);
  - (b) Alberta Electrical Systems Operators (AESO);
  - (c) Alberta Transportation and Economic Corridors;
  - (d) Alberta Environment and Protected Areas;
  - (e) Alberta Culture;
  - (f) Alberta Agriculture and Irrigation;
  - (g) Transport Canada;
  - (h) Navigation Canada;
  - (i) Innovation, Science And Economic Development Canada;
  - (j) STARS (Air Ambulance).
  
- 3.3 Upon receipt of a development permit application, the Development Authority shall review the application for completeness and, prior to making a decision on the application:
  - (a) notify landowners and residents, by mail, within 2 km (1.2 miles) of the proposed development site (or more, at the discretion of the Development Authority);
  - (b) notify adjacent municipalities in accordance with the applicable Intermunicipal Development Plan;
  - (c) refer the application to all relevant agencies and government departments; and
  - (d) may require the developer to hold a public information meeting and provide a summary of the meeting.
  
- 3.4 The Development Authority may approve multiple WECS / Industrial Scale Wind Farm on a case-by-case basis having regard for:
  - (a) proximity to other adjacent land uses;
  - (b) density of WECS;
  - (c) consideration of the cumulative effect of all WECS approved or proposed within 5 km (3 miles) of the proposal;
  - (d) underlying utilities;
  - (e) information received through the circulation process and at the development hearing.



- 3.5 In balancing existing land uses and the development of a multiple WECS / Industrial Scale Wind Farm, the Development Authority may require developers to minimize impacts:
- (a) within 1.6 km (1.0 miles) of a Provincially controlled highway;
  - (b) within 3.2 km (2.0 miles) of the boundary of a Municipally, Provincially or Federally designated parks;
  - (c) within 2 km (1.2 miles) of a developed Group Country Residential land use designation or Hamlet or Town boundary.

### Setbacks

*NOTE TO READER: The Alberta Utilities Commission (AUC) establishes separation distances between wind turbines and dwellings based on permissible sound levels established in AUC Rule 012 and a cumulative noise assessment of energy-related facilities within 1.5 km.*

- 3.6 A WECS shall be setback not less than 7.6 m (25 ft) from all property lines not fronting on or adjacent to a municipal roadway as measured from the rotor's arc (rotor diameter).
- 3.7 A WECS shall be setback from a dwelling unit within the wind farm project boundary (lands leased for wind energy development) not less than 500 m or as meets AUC Rule 012 permitted levels, whichever is greater.
- 3.8 A WECS shall be setback from a dwelling unit not within the wind farm project boundary (lands leased for wind energy development) not less than 1000 m or as meets AUC Rule 012 permitted levels, whichever is greater.
- 3.9 At no time shall the cumulative modelled sound level of a multi-WECS measured at the wind farm project boundary (including all titled parcels participating in the project) exceed 40 dBa unless an easement, as approved by the Development Authority, is agreed to by the affected land owner and registered on the affected title.
- 3.10 A WECS shall be setback from a developed or undeveloped municipal roadway not less than the total height of the WECS, plus 10 percent.
- 3.11 A WECS shall be setback from a federally approved aerodrome, or a municipality approved airstrip, helipad, heliport or other aviation-related use a minimum of 4000 m (2.48 miles).
- 3.12 Where, in the opinion of the Development Authority, the setbacks referred to in Section 3.10 above are not sufficient to reduce the impact of a WECS from a public roadway or a primary highway, the Development Authority may increase the required setback.

3.13 In the case of multiple WECS, setbacks can be increased from the minimum setback requirements in the district depending upon the number of WECS in a group and the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or land use.

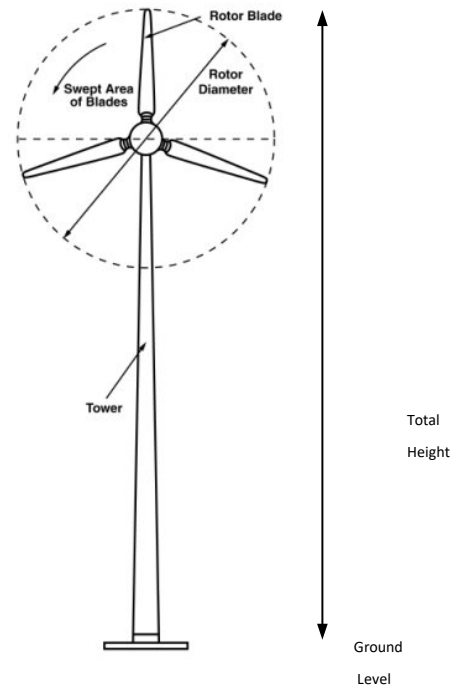
### Minimum Blade Clearance

3.14 The minimum vertical blade clearance from grade shall be 7.6 m (25 ft) for a WECS employing a horizontal axis rotor unless otherwise required by the Development Authority.

### Tower Access and Safety

3.15 To ensure public safety, the Development Authority may require that:

- (a) a security fence with a lockable gate shall surround a WECS tower not less than 1.8 m (5.9 ft) in height if the tower is climbable or subject to vandalism that could threaten tower integrity;
- (b) no ladder or permanent tower access device shall be located less than 3.7 m (12 ft) from grade;
- (c) a locked device shall be installed on the tower to preclude access to the top of the tower;
- (d) all of the above be provided or such additional safety mechanisms or procedures be provided as the Development Authority considers reasonable and appropriate;
- (e) the use of tubular towers, with locked door access, will preclude the above requirements.



### Collector Lines

3.16 All collector lines:

- (a) (less than 69 kV) on the site of a multi-WECS shall be underground except where the Development Authority approves overhead installation; and
- (b) required to connect WESC from one quarter section to another shall be underground except where the Development Authority approves overhead installation; and
- (c) any collector line necessary to service the development shall be located on private land and not located in developed or undeveloped municipal road allowances.
- (d) Notwithstanding Section 3.16 (c), the Municipality will consider collector lines which cross a developed or undeveloped municipal road allowance through the execution of a road crossing agreement approved by the Municipality.



### Colour and Finish

- 3.17 Unless otherwise required by the Development Authority, a WECS shall be finished in a non-bright reflective matte and in a colour which minimizes the obtrusive impact of a WECS to the satisfaction of the Development Authority.
- 3.18 No lettering or advertising shall appear on the towers or blades. On other parts of the WECS, the only lettering will be the manufacturer's identification or municipal symbol.

### Conditions of Approval

- 3.19 As a condition of development permit approval for a multi-WECS, the Development Authority shall consider, in addition to any other conditions authorized under other sections of this Bylaw, attaching conditions related to the following and in accordance with Sections 619 and 620 of the MGA:
- (a) require the applicant/developer to enter into a road use agreement and/or development agreement with the municipality;
  - (b) place restrictions on the location, height and type of fencing used for the tower sites;
  - (c) the operator and/or landowner shall be responsible for controlling invasive plant threats and weeds in accordance with the Alberta Weed Control Act;
  - (d) the operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.
  - (d) surface drainage and erosion control must also adequately address and account for impacts associated with the development, including any access roads within the development area;
  - (e) screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
  - (f) a security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by the Development Authority based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
    - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
    - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction



of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

- (g) require the applicant/developer to comply with an approved conservation and reclamation plan which may include but not be limited to:
  - (i) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project; and
  - (ii) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
  - (iii) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by the Development Authority to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner.
- (h) require that the project commence construction within two years of approval, and complete the project within four years;
- (i) require that the operation remain in continuous operation and if the operation is inactive for two consecutive years, or two cumulative years over a five-year period, the obligation to decommission the site is automatically triggered;
- (j) require that, should the developer propose alteration, retooling or repowering of an existing multi-WECS project where the equipment has changed from the original approval, the developer shall apply for a new development permit;
- (k) require the applicant complete and submit a copy to the municipality of an analysis of private water wells, where landowners give consent, within 2.0 km (1.2 miles) of any proposed turbine, post construction, which will include, but not be limited to, a comparison of water quality and water flow test against the benchmarking conducted by the applicant prior to the application prepared by a qualified professional approved by the municipality; and
- (l) require that the applicant install a proximity warning system which will reduce the extent of light pollution emanating from the project, including but not limited to, a passive radar sensor system that is able to use radio frequencies to determine if there is an aircraft in the vicinity, its distance, position, and velocity.





*MD of Willow Creek*

**Schedule 12**

**SOLAR ENERGY SYSTEMS AND  
ALTERNATIVE/RENEWABLE ENERGY**

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## SOLAR ENERGY SYSTEMS AND ALTERNATIVE/RENEWABLE ENERGY

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### 1. TERMS AND DEFINITIONS

The following definitions apply to this Schedule:

**Cumulative Effects** means, for the purpose of this Schedule, the combined effects of past, present, and reasonably foreseeable land-use activities, over time, on the environment.

**Operator** means, for the purposes of this Schedule, the holder of a license, approval or permit issued by the Alberta Energy Regulator or the Alberta Utilities Commission for the purposes related to the carrying on of an activity on or in respect of a specified land

**Parcel Boundary, External** - The property boundary for lands which are outside the footprint of the solar energy system and adjacent to the project footprint, where adjacent refers to lands contiguous in nature and not separated by a municipal road allowance.

**Parcel Boundary, Internal** - The property boundary for lands which are within the footprint of the SO.

**Project Footprint** means all the lands which are as part of an approved application as well as any residual lands within a titled parcel, whether or not the lands are leased by an operator.

**Solar Energy System, Individual** means a photovoltaic system using solar panels to collect solar energy from the sun and convert it to electrical, mechanical, thermal, or chemical energy that is primarily intended for sole use and consumption on-site by the landowner, resident or occupant. This use includes both roof-mounted or ground-mounted systems not connected to the interconnected electric system and small micro-generation in accordance with the Micro-Generation Regulation connected to the interconnected electric system.

**Solar Energy System, Industrial Scale** means a system using solar technology to collect energy from the sun and convert it to energy that is directed into the provincial electrical grid transmission or distribution system for off-site consumption or commercial sale, or a solar energy system that does not meet the definition a solar energy system, individual.

***NOTE TO READER:** Sections 2 and 3 establishes standards of development for individual solar collector systems, either single panels or multiple panels, and for small wind energy conversion systems for use by households, agricultural operators or individual business or industry intended to meet some or all of the electrical needs of the operator on the subject site, or a site immediately adjacent to the subject site.*



## **2. SOLAR ENERGY SYSTEM, INDIVIDUAL - ROOF OR WALL MOUNTED**

2.1 A solar collector attached to a wall or roof of a dwelling or accessory building shall be required to obtain a development permit and is processed subject to the applicable land use district (including meeting all required setbacks to roadways and property lines) and the following additional standards:

- (a) A solar energy system mounted on a roof:
  - (i) may project a maximum of 1.22 m (4 ft.) from the surface of the roof and shall not exceed the maximum height requirements of the applicable land use district; and
  - (ii) must not extend beyond the outermost edge of the roof and shall be located as to not impede access to the roof structure for emergency purposes, to the satisfaction of the Municipal District; and
  - (iii) may only provide energy to the parcel on which the system but may be connected to and in times of excess power generation feed power back into the provincial power/electrical grid.
- (b) A solar energy system mounted to a wall:
  - (i) must be located such that it does not create undue glare on neighbouring property or public roadways; and
  - (ii) must be located a minimum of 2.44 m (8 feet) above grade; and
  - (iii) may project a maximum of 0.45 m (1.5 feet) from the surface of the wall, when the wall faces the rear property line, subject to the setback requirements of the applicable land use district; and
  - (iv) may only provide energy to the parcel on which the system but may be connected to and in times of excess power generation feed power back into the provincial power/electrical grid.

## **3. SOLAR ENERGY SYSTEM, INDIVIDUAL – FREE-STANDING**

3.1 A free-standing solar energy system or a solar energy system mounted to any structure other than a roof or wall of a building or dwelling shall be required to obtain a development permit and is processed subject to the applicable land use district (including meeting all required setbacks to roadways and property lines) and the following additional standards:

- (a) the system must be located such that it does not create undue glare on neighbouring property or public roadways; and
- (b) the maximum height may not exceed 3.0 m (10 ft.) above existing grade; and
- (b) any system proposed in the Hamlet Residential (HR) or Rural Recreational (RR) land use district (specifically, with respect to resort areas providing small urban style lots) must not be located in the front or secondary front yard of a principal building.

3.2 Free-standing solar energy systems may be connected to and in times of excess power generation feed power back into the provincial power/electrical grid. Any system which



proposes to transmit or distribute power or energy off-site to other parcels/properties shall be considered a private utility will require a development permit for that purpose.

- 3.3 The use of multiple free-standing solar collectors where the primary purpose and intent of the project is to collect, convert and feed energy back into the provincial power/electrical grid for the commercial sale and distribution off-site to the marketplace, shall be deemed a Solar Energy System, Industrial Scale.
- 3.4 Prior to the installation of a free-standing solar collector the applicant and/or landowner shall obtain the following if applicable and copies of any and all required permits and/or approvals shall be provided to the Municipal District:
  - (a) any and all relevant federal and provincial permits and permissions;
  - (b) an electrical permit, and if applicable, a building permit (or any other Safety Codes Permit that may be required);
  - (c) wire service provider (WSP) approval for solar collectors that are proposed to be connected to the provincial power/electrical grid; and
  - (d) Alberta Utilities Commission (AUC) approval for solar collectors that are proposed to be connected to the provincial power/electrical grid with a rated output of 10 kW or greater.
- 3.5 All parcels that utilize a solar collector may be required to erect a sign notifying all emergency responders/personnel of the presence of an “Renewable Energy Source” located on-site. If a sign is required to be erected, it shall be located and designed to any required municipal specifications and be reasonably maintained for the life of the project (to the satisfaction of the Municipal District).
- 3.6 Any and all free-standing solar collectors shall be suitably anchored and secured, to the satisfaction of the Municipal District.

***NOTE TO READER:** Sections 4 and 5, Schedule 12 establish standards of development for renewable energy projects for the purpose of producing energy for the commercial market. Typically, this use will include large scale systems for the production and sale of energy generated by solar photovoltaic or wind energy conversion systems (WECS). The Alberta Utilities Commission (AUC) regulates large scale/commercial energy projects. The Municipal District’s regulatory role is limited and established under sections 619 and 620 of the MGA. 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 of the development permit application requirements.*

#### **4. SOLAR ENERGY SYSTEM, INDUSTRIAL SCALE**

- 4.1 Solar energy systems, Industrial Scale, or solar farms or facilities that are those developments that feed power back into the general provincial power grid, are distributing to other properties, or are selling power for a profit at an industrial scale as determined by the Development Officer or the Development Authority.
- 4.2 Development permit applications for industrial scale solar energy installations shall be accompanied by the following information:



- (a) a site suitability analysis including but not limited to, topography; soils characteristics; storm water collection; accessibility to a road; availability of water supply, sewage disposal system and solid waste disposal if applicable; compatibility with surrounding land uses; potential impacts to agricultural land and operations; potential visual impacts, and consistency with the policies of the Land Use Bylaw and Municipal Development Plan;
- (b) a detailed site plan including all setbacks from property lines and the proximity to structures or uses on the site and adjacent parcels of land; and to structures and uses on the site from residential dwellings within 300 m (985 ft.) of the property line of the proposed development;
- (c) detailed information about the system type, number of structures, height of structures, and the energy process and rated output;
- (d) any information regarding general public safety and security measures;
- (e) preliminary grading/drainage plan;
- (f) detailed information regarding construction traffic management plan including proposed material haul route, estimated employee vehicle trips (types and duration), and parking / staging areas, and any potential impacts to public roads;
- (g) the location of overhead utilities on or abutting the subject parcel and identification of any sensitive, environmental, or topographical features which may be present on the parcel;
- (h) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
- (i) a vegetation and weed management plan that addresses both the construction period and the projected lifespan of the development;
- (j) a soils erosion management plan with the plan to address:
  - (i) on any proposal to strip and stockpile topsoil during the construction/erection period and the rationale or need for doing so, and
  - (ii) the details on proposed soil management practices and erosion control due to both wind and water; for the period of both construction and post-construction;
- (k) if required by the Development Authority, an Environmental Assessment Review prepared by a qualified professional or other studies and reports to demonstrate site suitability and impact mitigation;
- (l) if required by the Development Authority, a Fire and Emergency Response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
- (m) if required by the Development Authority, a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.



- 4.3 The Development Authority will consider the following as preferable sites:
- (a) use of the poor quality lowest productive land and dry corners is preferred;
  - (b) use of cut-off, fragmented, irregular shaped parcels is preferred;
  - (c) to the extent possible, use of irrigated agricultural land should be avoided/minimized; and
  - (d) the use of an unsubdivided quarter section of high-quality agricultural land that has or could contain irrigation system infrastructure shall not be considered as suitable unless the Development Authority determines special or unique circumstances may warrant its inclusion. Consideration of the proximity to electrical sub-stations and feeder distribution infrastructure in relation to the location of the development may be considered as part of the special circumstances present.
- 4.4 Upon receipt of a development permit application, the Development Authority shall review the application for completeness and, prior to making a decision on the application:
- (a) notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development site (or more, at the discretion of the Development Authority);
  - (b) notify adjacent municipalities in accordance with the applicable Intermunicipal Development Plan;
  - (c) refer the application to all relevant agencies and government departments; and
  - (d) may require the developer to hold a public information meeting and provide a summary of the meeting.

### **Setbacks**

- 4.5 A Solar Energy System, Industrial Scale shall be setback:
- (a) not less than 30.5 m (100 ft) from all property lines not fronting on or adjacent to a municipal roadway; and
  - (b) not less than 45.7 m (150 ft) from all property lines fronting on or adjacent to a municipal roadway; and
  - (c) not less than 152.4 m (500 ft) from a dwelling unit within or adjacent to the solar farm project footprint boundary measured from the wall of the dwelling.
- 4.6 Any setback can be increased from the minimum setback requirements in the district depending upon the number of panels in a group, the prominence of the location, in order to reduce the impact to a residence, building, public roadway or highway, or adjacent land use.
- 4.7 In balancing existing land uses and the development of Solar Energy System, Industrial, the Development Authority may require developers to minimize impacts:
- (a) within 1.6 km (1.0 miles) of a Provincially controlled highway;
  - (b) within 3.2 km (2.0 miles) of the boundary of a Municipally, Provincially or Federally designated parks;



- (c) within 2 km (1.2 miles) of land designated Group Country Residential or a designated Hamlet or Town boundary.

### Conditions of Approval

4.8 The Development Authority may impose as a condition any reasonable measures to ensure suitability, compatibility and to mitigate potential impacts.

4.9 The Development Authority may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of an approved conservation and reclamation plan to the municipality and the municipality shall impose as a condition upon review of the plan:

- (a) that a pre-disturbance site assessment be filed with municipality prior to the commencement of construction of the project; and
- (b) that any interim monitoring site assessments as required by the approved conservation and reclamation plan be submitted to the municipality throughout the life span of the development; and
- (c) that the approved conservation and reclamation plan is the sole responsibility of the operator and/or landowner to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner;

and may require

- (c) that a reclamation security be posted and held for the life span of the development in a form and amount to be determined appropriate by the Development Authority to ensure that the lands used for the industrial activities associated with renewable energy activities are conserved and reclaimed in an environmentally sound and timely manner.

4.10 The Development Authority may impose as a condition that the operator and/or landowner of an industrial scale solar energy installation use submit a copy of a vegetation and weed management plan provided to the satisfaction of the municipality, to be reviewed and approved by the Agricultural Fieldman and the municipality shall impose as a conditions upon review of the plan:

- (a) The operator and/or landowner shall be responsible for controlling invasive plant threats and weeds in accordance with the Alberta Weed Control Act.
- (b) The minimum clearance of solar collectors from grade shall be adequate to facilitate and maintain growth of perennial vegetation to prevent soil erosion.
- (c) The operator and/or landowner shall be responsible for preventing soil loss or deterioration from taking place in accordance with the Alberta Soil Conservation Act. Soil erosion must be managed, and a soils management plan must be provided to the satisfaction of the municipality with details on proposed control of erosion caused by both wind and water.



- (d) Surface drainage and erosion control must also adequately address and account for impacts associated with the impervious nature of the collectors.
- (e) Screening and/or increased setbacks should be considered in the site design to minimize visual impacts of the proposed development.
- (f) Spacing between solar collectors must provide adequate access for firefighting of both vegetation and electrical fires.
- (g) A security deposit shall be posted during the construction period in a form and amount, no less than \$50,000 per quarter section of development to a maximum amount to be determined appropriate by the Development Authority based on specific site conditions to ensure that soil erosion management and weed control is adequately provided in accordance with the municipally approved vegetation and weed management plan and soils management plan.
  - (i) Upon notification by the developer, operator, and/or landowner to the municipality that the completion of construction has occurred and a request for return of the financial deposit has been made, the municipality will conduct a site inspection of the lands to verify the establishment of a suitable ground cover that will prevent further erosion of the lands subject to the development
  - (ii) The funds will be released with no interest paid upon confirmation that the soil erosion management and weed conditions have been completed to the satisfaction of the municipality and there are no unresolved soil or erosion issues, mitigation orders, remedial measure orders, notices or violations that are outstanding or unresolved.

## **5. OTHER COMMERCIAL/INDUSTRIAL RENEWABLE ENERGY PROJECTS**

This section is specific and applicable to those commercial/industrial development projects whose primary intent and purpose is to sell and/or export energy (or any other by-product of a particular process) off-site using any of the following energy productions, such as but not limited to, solar thermal, geo-exchange, micro-hydro, carbon capture and storage, geothermal, micro-hydro, waste-to-energy, anaerobic digesters, biodiesel, biofuel or fuel cells. All of these developments require a development permit.

5.1 All development applications shall be required to be accompanied by the following information:

- (a) an accurate site plan showing and labelling the proposed development and the location of overhead utilities on or abutting the subject lot or parcel, and identification of any sensitive, environmental or topographical features which may be present on the parcel, including canals, streams or water wells;
- (b) detailed information on the type of facility, structure or system and the energy process involved;
- (c) the manufacturer's specifications indicating (if applicable):
  - (i) the rated output in megawatts,
  - (ii) safety features and sound characteristics.



- (f) information regarding setbacks from property lines and the proximity to structures or uses on both the site and adjacent parcels of land;
- (g) information or verification of the proposed source of water if required for the type of facility;
- (l) post-construction decommissioning and reclamation plan as required by the Conservation and Reclamation Directive for Renewable Energy Operations (Alberta Environment (2018/09/14));
- (m) an analysis of environmental consideration including roadways, on-site potential for fluid leaks, impact upon wildlife, or any other identified issues;
- (n) a fire and emergency response plan prepared by a qualified professional and approved by the MD of Willow Creek Emergency Services; and
- (o) a Landowner and Neighbour Emergency Response Plan prepared by a qualified professional which addresses safety, education, and response plans of directly affected landowners.
- (i) large commercial/industrial facilities shall submit studies identifying noise, odour and pollutant impacts and how these impacts will be addressed;
- (k) a summary report of any and all public consultation that was undertaken by the applicant, and
- (l) any other information as required by the Development Authority.

5.2 The structures of a use shall comply with all the setbacks as established in the district in which it is located. In addition to the requirements of the district in which the use is located, structures or facilities related to waste-to-energy, anaerobic digesters, biodiesel, or biofuels developments shall not be located within:

- (a) a minimum of 250 m (820 ft) from any residential dwelling, food establishment or public use facility or building;
- (b) a minimum of 122 m (400 ft) from the boundary or right-of-way of an irrigation district canal, creek, stream, river, lake shore or water body;
- (c) the parts of the project related to the transmission lines and associated structures and to the roads, docks, water crossings, culverts, etc. associated with the facility may be allowed within 30 m (100 ft) of a water body or within the water body itself (to the satisfaction of the Municipal District and/or all other federal and provincial departments that may have jurisdiction with respect to a proposed project);
- (d) the Development Authority may require a larger minimum setback than required as per the above and in the applicable land use district having regard for the location of the development, potential environmental impacts (e.g. air, water – surface and subsurface, soil, etc.), adjacent land uses and any determined natural, scenic or ecologically significant features of the landscape.

- 5.3 Depending on the type of use proposed, the Development Authority may require that the applicant comply with any or all of the following standards and requirements:
- (a) the preferred location of uses is on parcels designated for industrial land use and located in proximity to highways or railway corridors;
  - (b) the Development Authority may require a parcel redesignation to the applicable industrial land use district to be considered and approved prior to accepting a development permit application;
  - (c) all surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off;
  - (d) the applicant is responsible for preparing at their own expense an engineered surface drainage management plan and submitting an application for approval to Alberta Environment and Protected Areas (if applicable);
  - (e) any biodiesel waste or water contaminated with biodiesel is prohibited to be discharged directly into any sewers or surface waters;
  - (f) all feedstock and materials are to be stored and contained within buildings, and no outside storage is permitted;
  - (g) the semi-truck traffic used for the hauling and shipment of raw material or feedstock and finished/processed goods associated with the development shall be limited to a designated truck haul route as stipulated by the Municipal District;
  - (h) all energy transmission lines on the site of the Renewable Energy, Commercial/Industrial use to the substation or electrical grid shall be underground unless otherwise approved by the Development Authority;
  - (i) the applicant is responsible for securing any necessary approvals from agencies including but not limited to Alberta Environment and Parks, Alberta Utilities Commission and the Alberta Energy Regulator;
  - (j) the Development Authority may apply any other standards that are provided for in this Bylaw, including but not limited to:
    - (i) require the applicant/developer to enter into a road use agreement and/or development agreement with the municipality,
    - (ii) the provision of financial security in an amount and type acceptable to the municipality to ensure the decommissioning plan is implemented,
    - (iii) a condition to allow the developer to proceed with a phased project,
    - (iv) the provision of site improvements like landscaping, berming or buffering.
- 5.4 Prior to making a decision on a development application, the Development Authority may refer and consider the input of the following agencies and departments:
- (a) Alberta Utility Commission (AUC);
  - (b) Alberta Electrical Systems Operators (AESO);
  - (c) Alberta Transportation and Economic Corridors;



- (d) Alberta Environment and Protected Areas;
- (e) Alberta Culture;
- (f) Alberta Agriculture and Irrigation;
- (g) Transport Canada;
- (h) Navigation Canada;
- (i) Innovation, Science and Economic Development Canada;
- (j) STARS (Air ambulance).

5.5 Upon receipt of a development permit application, the Development Authority shall review the application for completeness and, prior to making a decision on the application:

- (a) notify landowners and residents, by mail, within 3.2 km (2 miles) of the proposed development site (or more, at the discretion of the Development Authority);
- (b) notify adjacent municipalities in accordance with the applicable Intermunicipal Development Plan;
- (c) refer the application to all relevant agencies and government departments; and
- (d) may require the developer to hold a public information meeting and provide a summary of the meeting.

5.6 Depending on the type of energy project proposed, the Development Authority may require that the applicant comply with any or all of the following standards or requirements:

- (a) All surface drainage must be contained on site and any adjacent water bodies must be adequately protected from run-off.
- (b) The applicant is responsible for preparing at their own expense an engineered surface drainage management plan and submitting an application for approval to Alberta Environment, if applicable.
- (c) Any biodiesel waste or water contaminated with biodiesel, is prohibited to be discharged directly into any sewers or surface waters.
- (d) All feedstock and materials are to be stored and contained within buildings, and no outside storage is permitted.
- (e) That the semi-truck traffic used for the hauling and shipment of raw material or feedstock and finished/processed goods associated with the development shall be limited to a designated truck haul route as agreed to or specified by the Municipal District.
- (f) The preferred location of alternative/renewable energy commercial or industrial developments is on parcels designated for industrial land use and located in proximity to highways or railway corridors. The Development Authority may require a parcel redesignation to the applicable industrial land use district be approved prior to accepting a development application.



- (g) The applicant is responsible to apply for any Alberta Environment, AUC, ERCB or other applicable provincial approvals or permits that may be required, and must provide the municipality with a copy to be kept on file.
- (h) The Development Authority may stipulate any or all of the Section 4 criteria listed above to be addressed by the applicant as a condition of a development permit application approval.
- (i) Any license permit, approval or other authorization granted by AUC, AER or ERCB shall prevail over any land use bylaw requirements or development permit decisions or conditions if there is a perceived conflict.
- (j) All energy transmission lines on the site of the energy generating facility to the substation or grid shall be underground unless otherwise approved by the Development Authority.
- (k) The Development Authority may apply to any alternative/renewable energy generating facility any other standards that are provided for in the Land Use Bylaw, including:
  - (i) a condition to enter into a road use agreement with the Municipal District to address road maintenance and repairs that may arise from the development;
  - (ii) a condition to post security with the Municipal District; and
  - (iii) a condition to allow the developer to register the approved project in phases.







Schedule 13

**KENNEL REGULATIONS**

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## KENNEL REGULATIONS

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### 1. DEFINITIONS

**Kennel - Category 1** means a commercial establishment in which three or less dogs, more than one year old, are housed, groomed, bred, boarded, exercised, trained and/or sold over a period of time but excludes a veterinary clinic.

**Kennel - Category 2** means a commercial establishment in which more than three dogs, more than one year old, are housed, groomed, bred, boarded, exercised, trained and/or sold over a period of time but excludes a veterinary clinic.

### 2. APPLICATION

- (1) An application for a development permit shall be made to the designated officer by submitting:
  - (a) a completed development application in Form A of Appendix D;
  - (b) the fee prescribed in Appendix C;
  - (c) a site plan showing the legal description, property lines, setbacks, easements, and the location of existing and proposed development in relation to lot boundaries; and
  - (d) floor plans and elevations at a minimum scale of 1:200 or such other scale as required by the designated officer.
- (2) Buildings or exterior exercise area(s) shall not be used to accommodate dogs within 304.8 m (1000 feet) of a dwelling located on adjacent parcels and a diagram indicating the distances shall be submitted with the development permit application.
- (3) The Municipal Planning Commission shall determine the maximum number of adult dogs kept at any one time by the kennel owner.

### 3. CONSTRUCTION STANDARDS

- (1) Dog facilities, including buildings and exterior exercise areas, shall be located to the rear of the principal building and be constructed to the following standards:
  - (a) interior walls and ceilings shall be constructed of washable building material;
  - (b) exterior walls shall be fire-resistant and impervious to moisture;
  - (c) doors, window frames and window sashes shall be impervious to moisture and rodent resistant;
  - (d) insulation shall be required; and
  - (e) all facilities shall have ventilation and light.



- (2) Pens, rooms, exercise runs, and holding stalls shall be soundproofed if deemed necessary by the Municipal Planning Commission which shall base its decision on the number of animals to be kept at the kennel, the proximity of the kennel to other uses and/or other kennels, and adverse effects on the amenities of the area.
- (3) All kennel facilities shall be screened by visual and sound barriers, fences and/or landscaping, to the satisfaction of the Municipal Planning Commission.

#### **4. HOURS OF OPERATION**

In addition to soundproofing requirements, the times at which the animals are allowed outdoors may be regulated.

#### **5. HEALTH REQUIREMENTS AND INSPECTION REPORTS**

- (1) Kennel facilities shall be operated in accordance with provincial health regulations. All excrement and similar waste shall be disposed of in a manner acceptable to Alberta Health Services.
- (2) As a condition of approval, the Municipal Planning Commission shall require the applicant to submit an inspection report, prepared by a Doctor of Veterinary Medicine, to the municipality on an annual basis.

#### **6. SUPERVISION**

As a condition of development approval, the Municipal Planning Commission may establish hours of supervision for the animals housed at a kennel.



*MD of Willow Creek*

**Schedule 14**

**CANNABIS REGULATIONS**

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## CANNABIS REGULATIONS

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### 1. DEFINITIONS

For the purpose of this schedule of the Land Use Bylaw, the following definitions shall apply:

**Cannabis** refers to the plant *Cannabis sativa* and is as defined in the Government of Canada *Cannabis Act*.

**Cannabis accessory** refers to the products used in the consumption of cannabis and is as defined in the Government of Canada *Cannabis Act*.

**Cannabis consumption site** means a business which has been licensed by the province and approved by the municipality to consume cannabis and cannabis related products by individuals of a legal age.

**Cannabis distribution and wholesaling** means an activity regulated by the province through the Alberta Gaming and Liquor Commission (AGCL) where cannabis is provided from the grower to the retailer.

**Cannabis, licensed medical production** means the authorized horticultural production and processing of cannabis for medical purposes and pharmaceutical prescriptions.

**Cannabis, licensed recreational production** means the authorized horticultural production and processing of cannabis to supply cannabis retail stores to sell to consumers of a legal age.

**Cannabis production facility** means a development where medical and/or recreational cannabis is grown, processed, packaged, tested, stored, destroyed or loaded for shipping.

**Cannabis retail store** means a business which has been licensed by the province to sell cannabis and cannabis accessories to consumers of a legal age.

### 2. APPLICABILITY

The requirements of this schedule apply to all cannabis retail stores, cannabis consumption sites and cannabis production facilities.

### 3. CANNABIS RETAIL STORE / CANNABIS CONSUMPTION SITE

All cannabis retail stores and cannabis consumption sites shall meet the following requirements:

- (1) Prior to applying for a municipal development permit for a cannabis retail store, the applicant is required to apply to the Alberta Gaming and Liquor Commission (AGLC) for a determination of





eligibility to obtain a license, and submit verification of the AGLC eligibility as part of the development application.

- (2) As part of the development application, the applicant shall demonstrate how the building location and design comply with all requirements under the *Alberta Gaming, Liquor and Cannabis Regulation*.
- (3) The developer or applicant or owner shall provide copies of all approved Alberta Gaming and Liquor Commission licenses as a condition of the development permit.
- (4) The business must obtain and maintain a current business license.
- (5) The hours of operation for the business may be established as a condition of a development approval.
- (6) All signage for the cannabis retail store use shall be in accordance with the *Alberta Gaming, Liquor and Cannabis Regulation* and Schedule 9 of this bylaw.

#### **4. CANNABIS PRODUCTION FACILITY**

All cannabis production facilities shall meet the following requirements:

- (1) The owner or applicant must provide, as a condition of development permit, a copy of the current license for all activities associated with cannabis production as issued by Health Canada.
- (2) The owner or applicant must obtain any other required approval, permit, authorization, consent or license to ensure compliance with applicable federal, provincial or other municipal legislation.
- (3) The development must be done in a manner where all of the processes and functions are fully enclosed within a stand-alone building including all loading stalls and docks, and garbage containers and waste material.
- (4) The development shall not operate in conjunction with another approved use.
- (5) The development shall not include an outdoor area for storage of goods, materials or supplies.
- (6) The development must include equipment designed and intended to remove odours from the air where it is discharged from the building as part of a ventilation system.
- (7) The Municipal Planning Commission may require, as a condition of a development permit, a public utility and waste management plan, completed by a qualified professional including detail on:
  - (a) the incineration of waste products and airborne emissions, including smell;
  - (b) the quantity and characteristics of liquid and waste material discharged by the facility; and
  - (c) the method and location of collection and disposal of liquid and waste material.



- (8) The minimum number of motor vehicle parking stalls shall be based on the parking requirements under Schedule 8 of this bylaw.

## 5. SETBACKS

For the purposes of sections 640(7), 642(5) and 687(3) of the *Municipal Government Act*, a premises described in a cannabis licence may not have any part of an exterior wall located within 100 m (328 feet) of:

- (a) a provincial health care facility or a boundary of the parcel of land on which the facility is located;
- (b) a building containing a school or a boundary of a parcel of land on which the building is located;  
or
- (c) a boundary of a parcel of land designated as school reserve or municipal and school reserve under the *Municipal Government Act*.

# The Future of Cannabis in Alberta

The rules around cannabis in Alberta once it is legal in summer 2018.

AGE LIMIT  
**18+**

**LICENSED GROWERS**  
Strictly regulated by the federal government.

**PROVINCIAL GOVERNMENT OVERSIGHT**  
The Alberta Gaming and Liquor Commission (AGLC) directly manages how cannabis gets from the licensed grower to the retailer.

**AGLC-OPERATED ONLINE SALES**  
Age verification occurs at point of sale and at delivery.

**WORKPLACE**  
Alberta is reviewing all existing regulations and programs to ensure rules continue to address impairment at work.

**PRIVATE CANNABIS RETAIL STORES**  
May only sell cannabis and cannabis accessories. Minors are prohibited from entering cannabis stores, even if accompanied by an adult.

**ADVERTISING**  
Product advertising will only be allowed inside cannabis stores.

**DRIVING**  
Police are able to suspend licences and seize vehicles if people drive impaired, including impairment by cannabis.

**POSSESSION**  
Adults can possess up to 30 grams of legal cannabis in public.

**OWNERS AND STAFF**  
Must undergo extensive background checks. Qualified employees must be 18 and undertake training.

**PUBLIC CONSUMPTION**  
Smoking and vaping cannabis are prohibited in areas frequented by kids and other public places where smoking tobacco is prohibited.

**HOME**  
Each household is allowed to grow up to four plants. Landlord and tenant agreements or condo bylaws can be used to set rules for consumption and growing.



alberta.ca/cannabis

February 2018

## Jurisdictional Responsibilities

Activity	Responsible		
	Federal	Provincial	Municipal
Possession limits **	✓		
Trafficking	✓		
Advertisement & packaging **	✓		
Impaired driving	✓	✓	
Medical cannabis	✓		
Seed-to-sale tracking system	✓		
Production (cultivation and processing)	✓		
Age limit (federal minimum) **	✓		
Public health	✓	✓	
Education	✓	✓	✓
Taxation	✓	✓	✓
Home cultivation (growing plants at home) **	✓		
Workplace safety		✓	
Distribution and wholesaling		✓	
Retail model		✓	
Retail location and rules		✓	✓
Regulatory compliance	✓	✓	
Public consumption		✓	✓
Land use/zoning			✓





Schedule 15

**SUBDIVISION POLICIES**

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## SUBDIVISION POLICIES

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The following policies provide guidance to the Subdivision Authority and Subdivision and Development Appeal Board when rendering decisions.

### **PURPOSE**

- ▶ To allow for subdivision to occur in the municipality while protecting agricultural land; and
- ▶ To provide subdivision policies which comply with the provisions of the Land Use Bylaw and other duly adopted statutory plans.

### **POLICIES**

#### **General**

15.1 Subdivision applications shall be circulated to individuals or agencies required to be notified pursuant to the *MGA* and its regulations.

#### **Legal Access**

15.2 A subdivision application shall not be approved unless:

- (a) each lot or parcel, including any residual parcel, has access to a public roadway; or
- (b) the lot has a means of access satisfactory to the Subdivision Authority which includes a panhandle, a registered easement, a registered access, right-of-way plan, or access derived through the municipality's Private Driveway Policy (see Diagram 1).

#### **Additional Information Requirements**

15.3 In order to determine the land's suitability for subdivision, pursuant to Section 654(1) of the *Municipal Government Act*, the Subdivision Authority may require the applicant to provide additional information, including but not limited to, percolation tests, slope stability reports, ground, soil and surface water tests, and the preparation of an area structure plan or conceptual scheme.

15.4 Applications for subdivisions which require geotechnical analysis or involve environmental matters shall be reviewed in accordance with the provincial "Environmental Reference Manual for the Review of Subdivisions in Alberta" (see Diagram 2).

#### **Parcel Size Waivers**

15.5 Measurable standards outlined in the Land Use Bylaw shall be met when rendering a decision on a subdivision application unless waived by the Subdivision Authority, or by the Subdivision and Development Appeal Board (see Diagram 3).





- 15.6 Parcel sizes shall be between 1.21 and 4.05 ha (3 and 10 acres) in size, unless waived by the Subdivision Authority to accommodate a larger development.
- 15.7 Minimum residual parcel size shall be 56.66 ha (140 acres) for developed parcels and 58.68 ha (145 acres)\* for vacant parcels unless waived by the Subdivision Authority or the Subdivision and Development Appeal Board.

### ***Redesignation Requirement***

- 15.8 If a subdivision application does not meet the use provisions of the Land Use Bylaw, the Subdivision Authority shall refuse the application or request the applicant to apply for a land use redesignation.
- 15.9 Except where lands have been redesignated to Grouped Country Residential – GCR or a non-agricultural designation, the Subdivision Authority shall not approve an application for subdivision approval which would create more than two parcels per quarter section (see Diagram 4) unless the lands have been redesignated.

### ***Vacant Single Lot Country Residential Subdivisions***

- 15.10 A subdivision application to create a vacant single lot country residential parcel from a previously unsubdivided quarter section may be approved provided:
- (a) the proposed site has been redesignated from Rural General – RG to Vacant Country Residential – VCR prior to an application being filed for subdivision approval (see Diagram 5);
  - (b) the proposed parcel to be created shall be no greater than 2.02 ha (5 acres) in size and contain a buildable site, unless the parcel size has been waived by the Subdivision Authority;
  - (c) the applicant enters into a development agreement if required as a condition of approval by the Subdivision Authority;
  - (d) the proposed vacant parcel and the resulting residual parcel has direct legal and physical access to a public roadway;
  - (e) if no road exists or the road does not meet current municipal standards, the developer be responsible for the construction of the required road and access as outlined in Policy 15.2 of this schedule and in accordance with municipal local road and access policies;
  - (f) the proposed site has been subjected to percolation tests to prove suitability for sewage disposal in accordance with provincial regulations;
  - (g) the proposed site has been subjected to testing to adequately address groundwater management;
  - (h) the proposed access is satisfactory to Alberta Transportation where the access may affect the provincial highway system;
  - (i) the size and location of the proposed vacant parcel shall not affect any irrigation system in the immediate area;

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\* NOTE: The residual parcel size reflects up to 4.05 ha (10 acres) for registered exceptions from the parent parcel.



- (j) the proposed vacant parcel meets or exceeds the minimum distance separation (MDS) requirements from an existing CFO/ILO as established in the Agricultural Operations Practices Standards and Administration Regulation, unless waived by the Subdivision Authority;
- (k) the residual parcel being created is a minimum of 56.66 ha (140 acres)\* in size;
- (l) the proposed vacant parcel will be the first subdivision from a previously unsubdivided quarter section; and
- (m) the Subdivision Authority, at its sole discretion, may request additional information or studies to be performed prior to rendering a decision to approve a vacant parcel subdivision.

### ***Vacant Single Lot Country Residential Prohibition***

15.11 The municipality, by bylaw, may prohibit the subdivision of vacant parcels in any part of the municipality.

### ***Minimum Agricultural Parcel Size***

15.12 The minimum agricultural parcel size shall be 56.66 ha (140 acres)\* unless waived by the Subdivision Authority or the Subdivision and Development Appeal Board (see Diagram 6).

### ***80-Acre Subdivisions Prohibited***

15.13 With the exception of Policy 15.24 or 15.25, a subdivision application which proposes to create two or more agricultural parcels for agricultural use of less than 48.56 ha (120 acres)\* is prohibited (see Diagram 7), unless this parcel size is waived by the Subdivision Authority or the Subdivision and Development Appeal Board.

### ***Consolidation of Parcels***

15.14 Where a subdivision application proposes to create a residual parcel of less than 56.66 ha (140 acres)\*, consideration may be given by the Subdivision Authority to:

- (a) grant a waiver of the 56.66 ha (140 acres) minimum parcel size; or
- (b) request a consolidation of the substandard parcel with adjacent lands in order to comply with the parcel size policies of this bylaw (see Diagram 8).

### ***Single Lot Country Residential***

15.15 A subdivision which proposes to create a single lot country residential parcel containing a developed residence or farmstead may be approved provided:

- (a) the proposed parcel to be created is no less than 1.21 ha (3 acres) and no greater than 4.05 ha (10 acres) and contains a permanent habitable dwelling unit (see Diagram 9);
- (b) the area of the proposed lot is limited in size by its location and the extent of physical characteristics and vegetation;

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\* NOTE: The residual parcel size reflects up to 4.05 ha (10 acres) for registered exceptions from the parent parcel.

- (c) the proposed lot on which the dwelling is located and the proposed residual parcel has direct legal and/or physical access to a public roadway;
- (d) the access is satisfactory to Alberta Transportation where the access may affect a primary highway;
- (e) the size and location of the proposed lot will not significantly affect an irrigation system in the area;
- (f) the dwelling unit located on the proposed country residential parcel meets or exceeds the minimum distance separation (MDS) requirements from an existing CFO/ILO, as established in the AOPA Standards and Administration Regulation (see Diagram 10); and
- (g) the residual parcel being created is at least 56.66 ha (140 acres)\* in size.

### ***Grouped Country Residential***

- 15.16 A subdivision application which proposes to create a multi-lot residential use shall not be approved unless the property is redesignated to Grouped Country Residential – GCR in accordance with the provisions outlined in the MGA (see Diagram 11).
- 15.17 Lands considered to be high quality agricultural land may not be subdivided for grouped country residential use.
- 15.18 In accordance with the provisions established in a duly adopted municipal statutory plan or land use bylaw, the Council may require a developer to prepare a detailed area structure plan or conceptual scheme for an area proposed for grouped country residential use (see Diagram 11).
- 15.19 All parcel sizes for serviced or unserved grouped country residential use shall be in accordance with those established in the Land Use Bylaw or a duly adopted municipal statutory plan.
- 15.20 A subdivision application which proposes to create two or more residential lots of less than the minimum agricultural parcel size for non-agricultural use shall be deemed to constitute a grouped country residential proposal.
- 15.21 A subdivision application which proposes to create a grouped country residential subdivision shall meet or exceed the minimum distance separation (MDS) requirements from an existing CFO/ILO, as established in the AOPA Standards and Administration Regulation (see Diagram 12).

### ***Intensive Agricultural Operations / Confined Feeding Operations***

- 15.22 A subdivision application which proposes to create a separate title for an existing CFO/ILO shall not be subdivided from the original parcel on which the operation was allowed to locate (see Diagram 13).
- 15.23 A subdivision application which proposes to subdivide an intensive horticultural operation may be approved if the proposed parcel has been redesignated to Rural Commercial – RC or Rural Industrial – RI.

### ***Fragmented Parcels***

- 15.24 A subdivision application which proposed to create one or more fragmented parcels may be approved if:
- (a) the existing parcel is severed by a registered roadway, a railway right-of-way with rails, the Oldman River or Pine Coulee Reservoir;
  - (b) the proposed parcel being created and the residual parcel shall have direct legal and physical access to a public roadway or in accordance with the access criteria established in Policy 15.2;
  - (c) such fragmentation would not significantly affect an irrigation system in the area (see Diagram 14);
  - (d) the fragmented parcel and/or the residual may be consolidated with adjacent lands to achieve the minimum parcel size policies of this bylaw; and
  - (e) the proposed lands to be subdivided have been previously redesignated to a land use district other than Rural General – RG.

### ***Single-Lot Subdivision from Greater Half of a Fragmented Quarter Section***

- 15.25 At the discretion of the Subdivision Authority, a quarter section which has been subdivided pursuant to the provisions of the above policy or previously provincial policies may be eligible for the subdivision of an existing farmstead from the greater half of the fragmented quarter section provided the proposal is consistent with the requirements established for single lot country residential parcels outlined in Policy 15.15 (see Diagram 15).

### ***Existing Parcels Realignment***

- 15.26 A subdivision application which proposes the enlargement, reduction or realignment of an existing separate parcel may be approved provided:
- (a) the additional lands required are to accommodate existing or related improvements;
  - (b) the proposal is to rectify or rationalize existing habitational, occupancy, cultivation or settlement patterns;
  - (c) no additional parcels are created over and above those presently in existence;
  - (d) the proposed new lot and the proposed residual lot has direct legal and physical access to a public roadway or have legal access consistent with Policy 15.2;
  - (e) the proposed new lot and proposed residual lot has adequate development setbacks and at least one suitable building site;
  - (f) the size, location and configuration of the proposed lot shall not significantly affect any irrigation or transportation system in the area nor the urban expansion strategies of neighbouring municipalities (see Diagram 16).

### ***Historic 80-Acre Parcels***

- 15.27 A subdivision application which proposes to create a new parcel containing a developed residence taken from a 32.38-ha (80-acre) title may be approved provided:



- (a) the 32.38 ha (80 acres) are presently contained on a separate certificate of title;
- (b) the proposed new parcel shall not exceed 4.05 ha (10 acres) in size;
- (c) the proposed residual parcel shall contain at least 28.33 ha (70 acres); or
- (d) in the case of registered exceptions described on the certificate of title, the resulting residual parcel shall contain at least 28.33 ha (70 acres) (see Diagram 17).

***Resubdivision of a Previously Subdivided Quarter Section or Fragmented Parcel***

15.28 An application which proposes to subdivide a second subdivision from a previously subdivided quarter section or fragmented parcel may be approved if:

- (a) the proposed site to be subdivided has been redesignated to a land use district other than Rural General – RG or Vacant Country Residential – VCR, the designation being Rural Recreational – RR, Rural Industrial – RI, Rural Agri Industrial – RAI or Rural Commercial – RC (see Diagram 18);
- (b) the proposed site is to be used for a use not found in the Rural General – RG land use district
- (c) Municipal Reserve is provided as money in lieu of land as a condition of subdivision approval; and
- (d) the proposed new lot and residual lot continues to have direct legal and physical access to a public roadway or have legal access consistent with Policy 15.2.

15.29 A subdivision application which proposes to subdivide a developed farmstead or vacant country residential parcel from a previously subdivided quarter section or fragmented parcel may be approved provided:

- (a) the original subdivided parcel is redesignated to a land use district other than Rural General – RG or Vacant Country Residential – VCR, the designation being Rural Recreational – RR, Rural Industrial – RI, Rural Agri Industrial – RAI or Rural Commercial – RC (see Diagram 18);
- (b) Municipal Reserve is provided as money in lieu of land as a condition of any subdivision approval; and
- (c) the proposed new lot and the proposed residual lot continues to have direct legal and physical access to a public roadway or have legal access consistent with Policy 15.2.

15.30 A subdivision application which proposes to subdivide a non-agricultural parcel from a previously subdivided quarter section or fragmented parcel may be approved provided:

- (a) the original parcel was subdivided to encompass a developed farmstead or vacant country residential parcel;
- (b) the proposed parcel to be created has been redesignated to a land use district other than Rural General – RG or Vacant Country Residential – VCR, the designation being Rural Recreational – RR, Rural Industrial – RI, Rural Agri Industrial – RAI or Rural Commercial – RC (see Diagram 18);
- (c) Municipal Reserve is provided as money in lieu of land as a condition of any subdivision approval; and



- (d) the proposed new lot and the proposed residual lot continues to have direct legal and physical access to a public roadway or have legal access consistent with Policy 15.2

### **Waivers of Measurable Standards**

15.31 Adherence to minimum parcel size and measurable standards may be waived by the Municipal Planning Commission or the Subdivision and Development Appeal Board if:

- (a) the applicant has proven the existence of a special or extenuating circumstance;
- (b) the effect of the variance would not, in the Council or Subdivision Authority's opinion, conflict with the agricultural or adjacent land uses in the area; and
- (c) reasons for the variance are clearly stated in the decision made by the Subdivision Authority or the Subdivision and Development Appeal Board.

### **Subdivision Applications**

15.32 An applicant applying for subdivision shall provide the required material and information as requested by the Municipal Planning Commission or its designate. A completed application shall consist of:

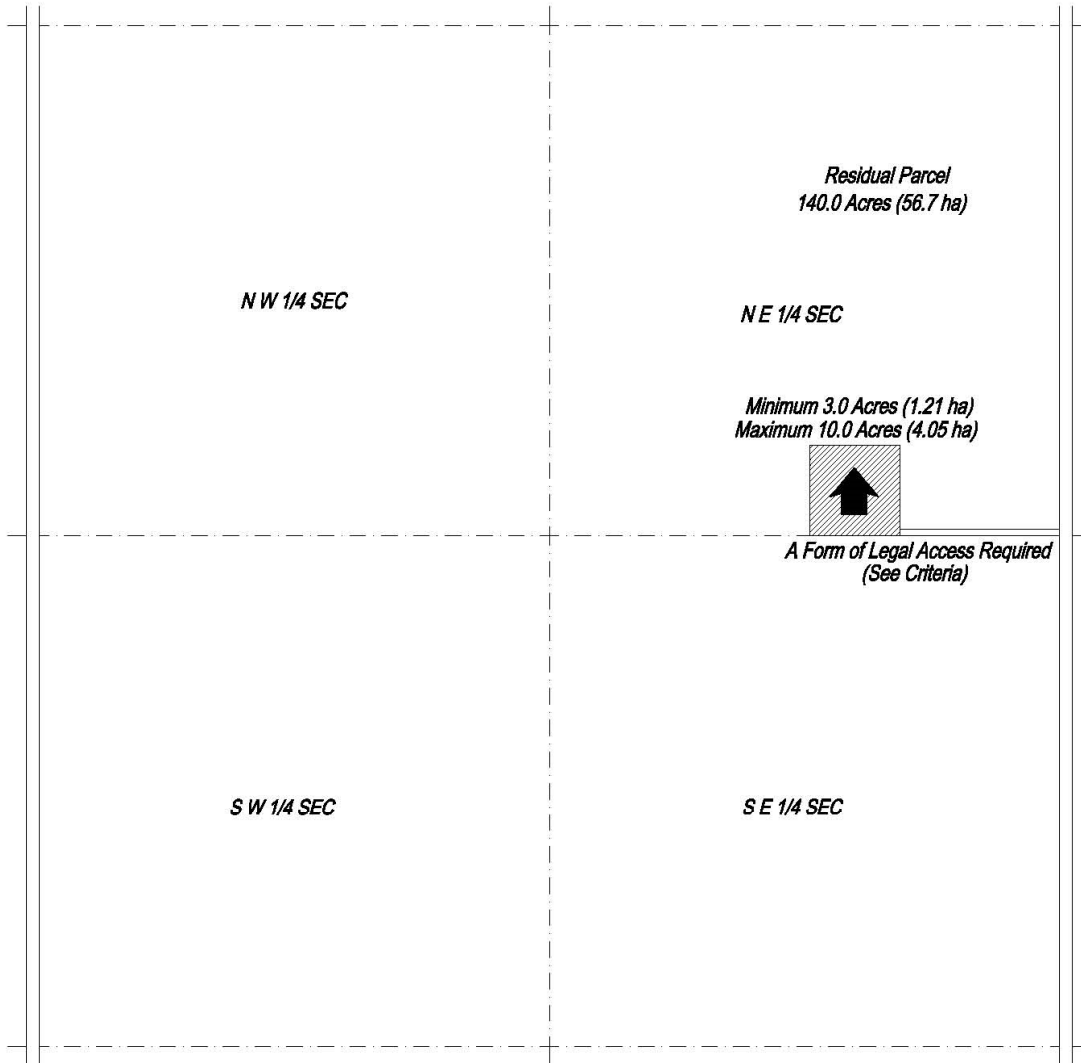
- (a) an official application, in the manner and form prescribed, clearly and legibly completed with all the required information and signatures provided as requested on the form;
- (b) the applicable fees paid;
- (c) an up-to-date and current copy of the Certificate of Title to the subject land;
- (d) a surveyor's sketch or tentative subdivision plan with dimensions, structures, location of private sewage disposal system, professionally prepared;
- (e) provincial abandoned gas well information;
- (f) for vacant parcels, a soils analysis which indicates the ability of the proposed parcel to be privately serviced;
- (g) any such other information as may be required at the discretion of the Municipal Planning Commission in order to accurately evaluate the application and determine compliance with the Land Use Bylaw or other government regulations. This may include but it not limited to the provision of geotechnical information, soil analysis reports, water reports, soil or slope stability analysis, drainage information, contours and elevations of the land, engineering studies or reports, wetland reports, environmental impact assessments, utility and servicing information, and/or the preparation of a conceptual design scheme or an area structure plan may be required from the applicant prior to a decision being rendered on a subdivision application to determine the suitability of the land for the proposed use; and
- (h) the consent to authorize the Municipal Planning Commission or its designate to carry out a site inspection on the subject land as authorized in accordance with the *Municipal Government Act* must also be provided on the submitted application form unless determined not to be needed by the Municipal Planning Commission.



- 15.33 In accordance with the *Municipal Government Act*, the Municipal Planning Commission, or those authorized to act on its behalf, shall provide notification to a subdivision applicant within the 20-day prescribed time period, on whether a submitted application is deemed complete, or if it is determined to be deficient what information is required to be submitted by a specified time period, by sending notification in the following manner:
- (a) for an application deemed complete, the applicant shall be notified in writing as part of the formal subdivision application circulation referral letter;
  - (b) for an application determined to be incomplete, written notification shall be given to the applicant which may be in the form of a letter sent by regular mail to the applicant, or sent by electronic means, or both, or by any other method as may be agreed to between the applicant and the Municipal Planning Commission;
  - (c) in respect of subsection (b) for a subdivision application determined to be incomplete, the applicant will be advised in writing as part of the Notice of Incompleteness what outstanding or required information items must be submitted by the time specified in the notice.
- 15.34 Notwithstanding Section 15.33, the applicant and Municipal Planning Commission may agree and sign a time extension agreement in writing in accordance with section 653.1(3) of the *Municipal Government Act* to extend the 20-day decision time period to determine whether the subdivision application and support information submitted is complete.
- 15.35 Where a determination made by the Municipal Planning Commission an application is complete for processing does not preclude the ability for the Municipal Planning Commission to also request other information or studies to be submitted by the applicant during the review and referral period, prior to a decision being rendered, or as condition of subdivision approval.

#### ***Incomplete Subdivision Applications***

- 15.36 The Municipal Planning Commission may refuse to accept and process a subdivision application where the information required under Section 15.33 and/or as described in a Notification of Incompleteness has not been submitted, is determined to be deficient, is still incomplete, or in the opinion of the Municipal Planning Commission the quality of the material supplied is inadequate to properly evaluate the application.
- 15.37 If the Municipal Planning Commission makes a determination the application is refused due to incompleteness, the applicant shall be notified in writing with reasons in the manner as described in Section 15.33.
- 15.38 The notification provided for in Section 15.33(b) shall include for the applicant the required information on the filing of an appeal and to which appeal board body the appeal lies, either the local appeal board or the provincial Municipal Government Board, in accordance with the parameters of the *Municipal Government Act*.



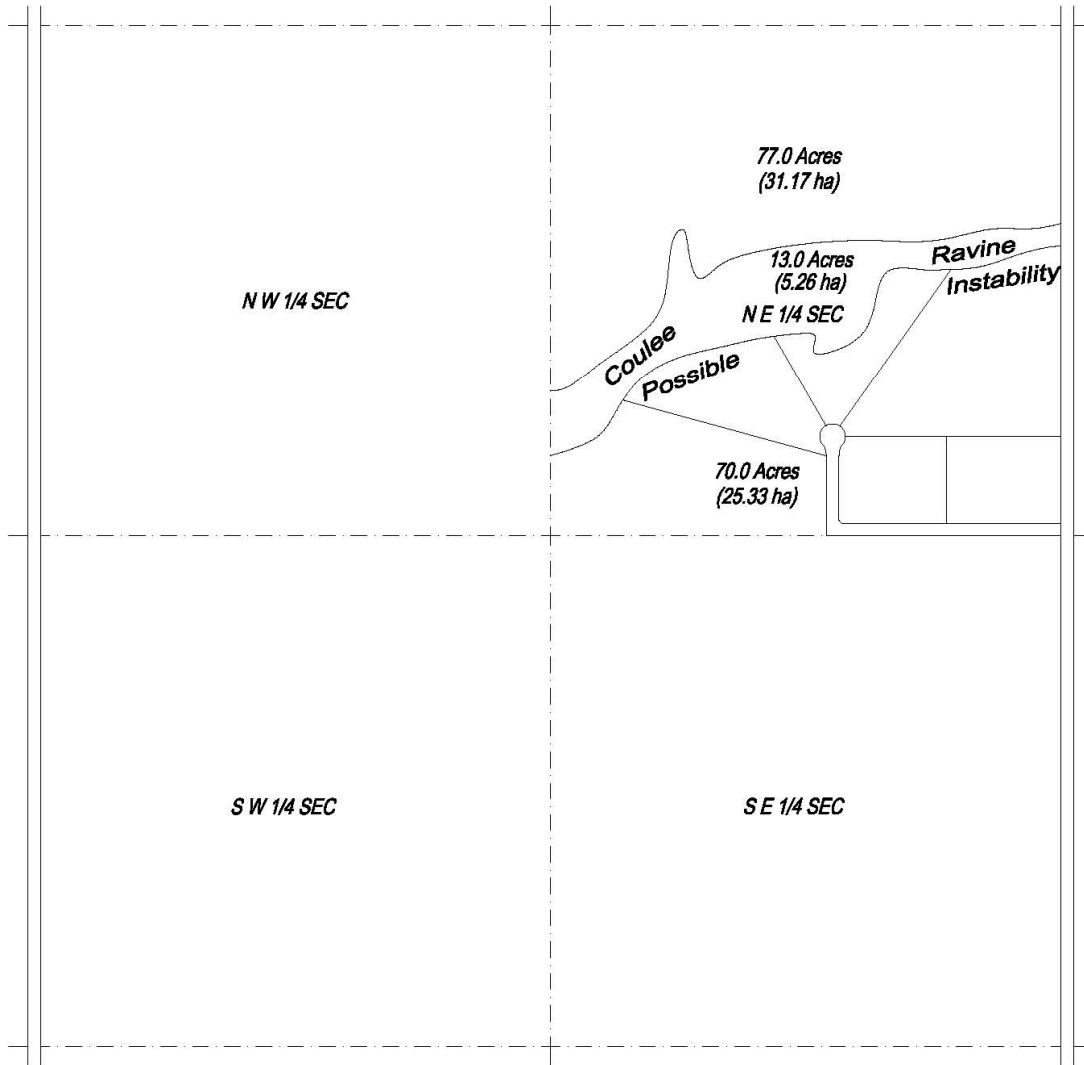
PROPOSED SUBDIVISION WITH NO ACCESS

M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES



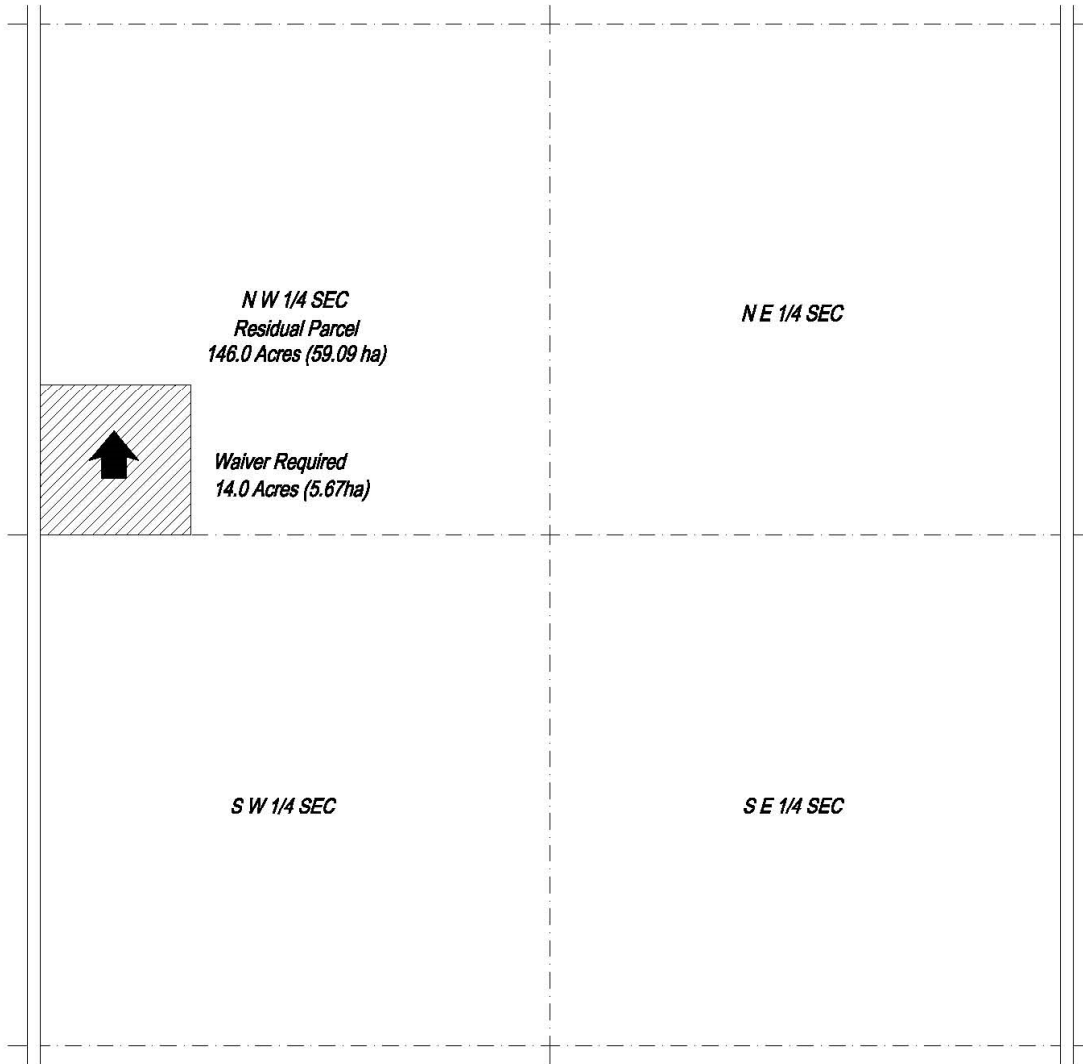
MAP PREPARED BY:  
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TEL. 403-329-1344  
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ENVIRONMENTAL CONCERNS  
GEOTECHNICAL INFORMATION REQUIRED

M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES



**FARMSTEAD PARCEL SIZE WAIVER REQUIRED**

**M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES**



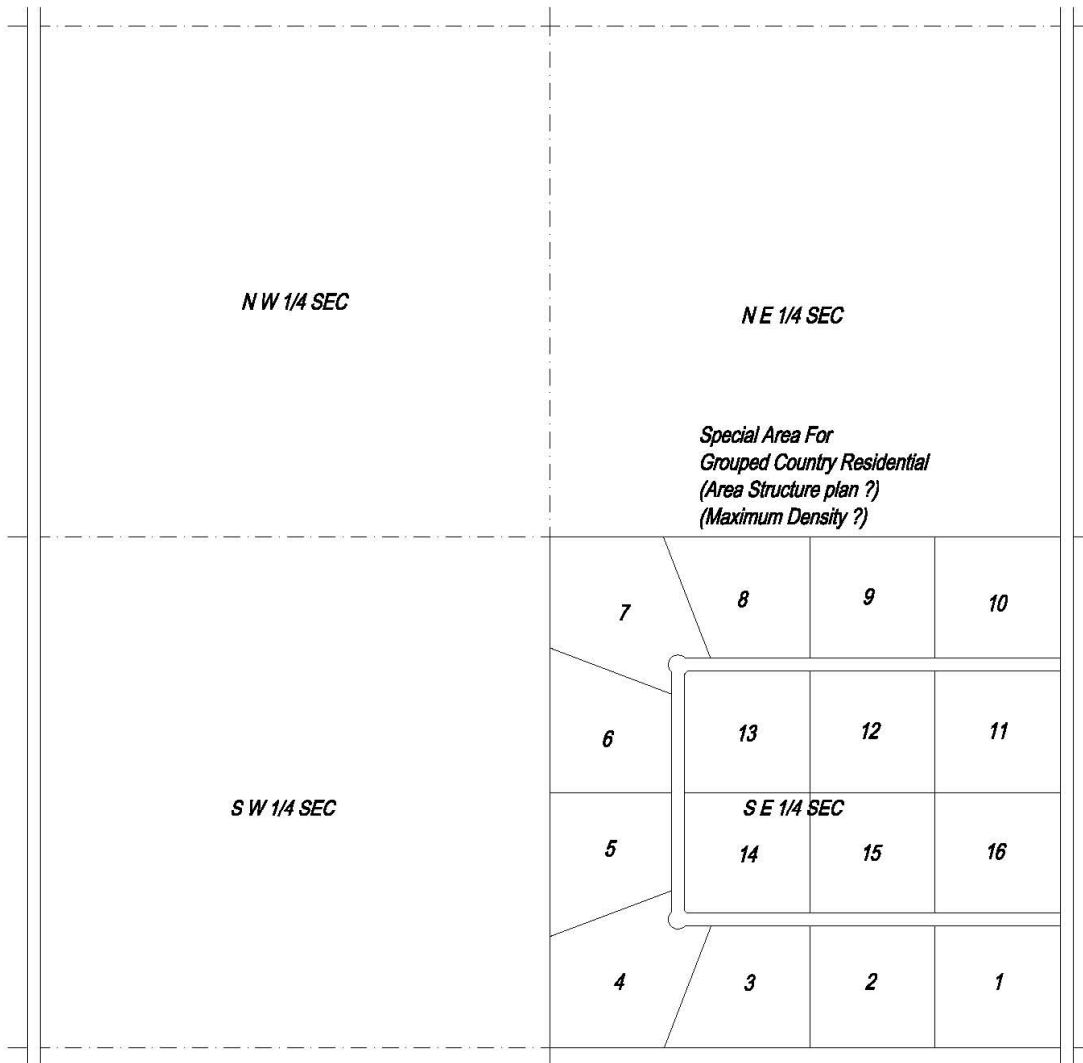
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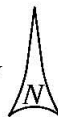
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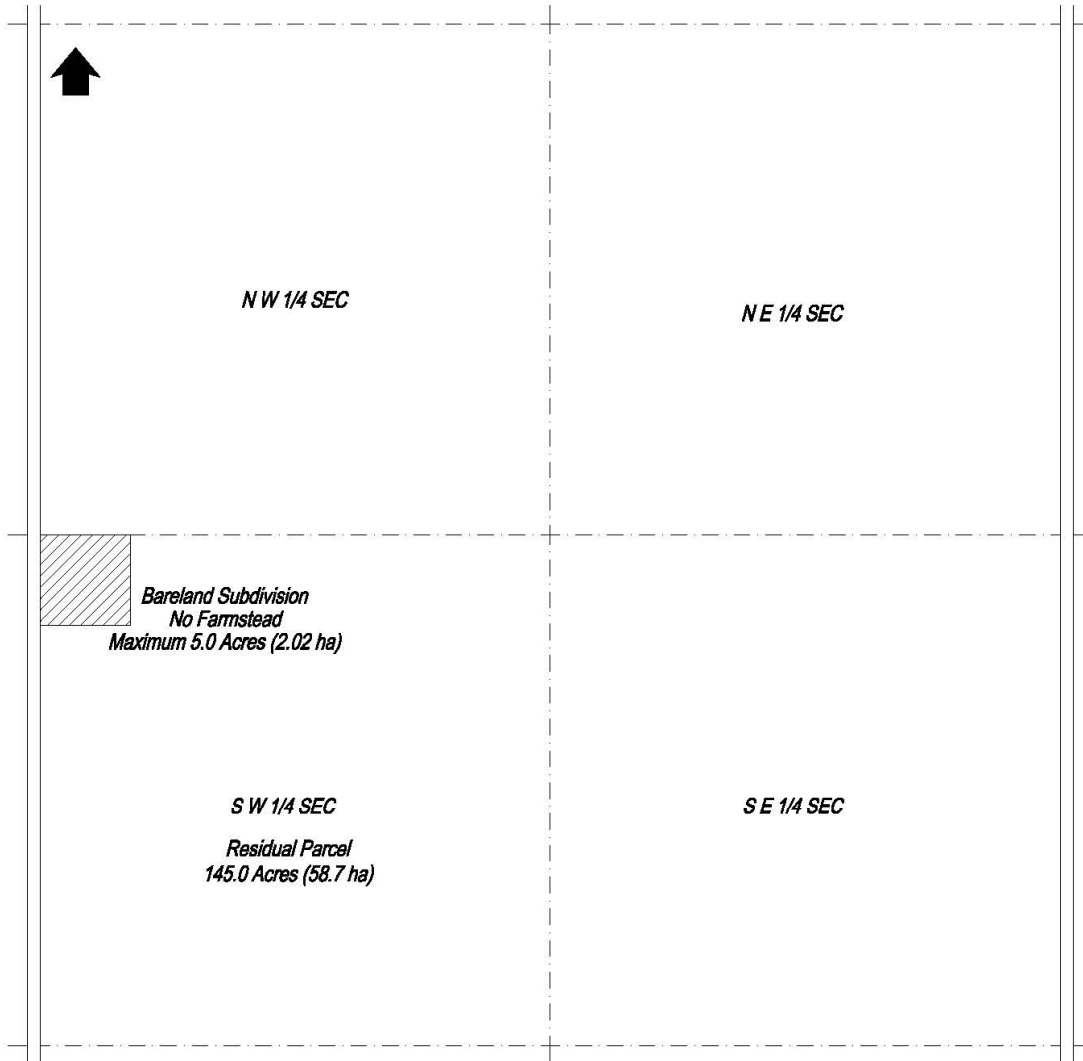
**DIAGRAM 3**



DESIGNATED FOR GROUPED COUNTRY RESIDENTIAL

M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES





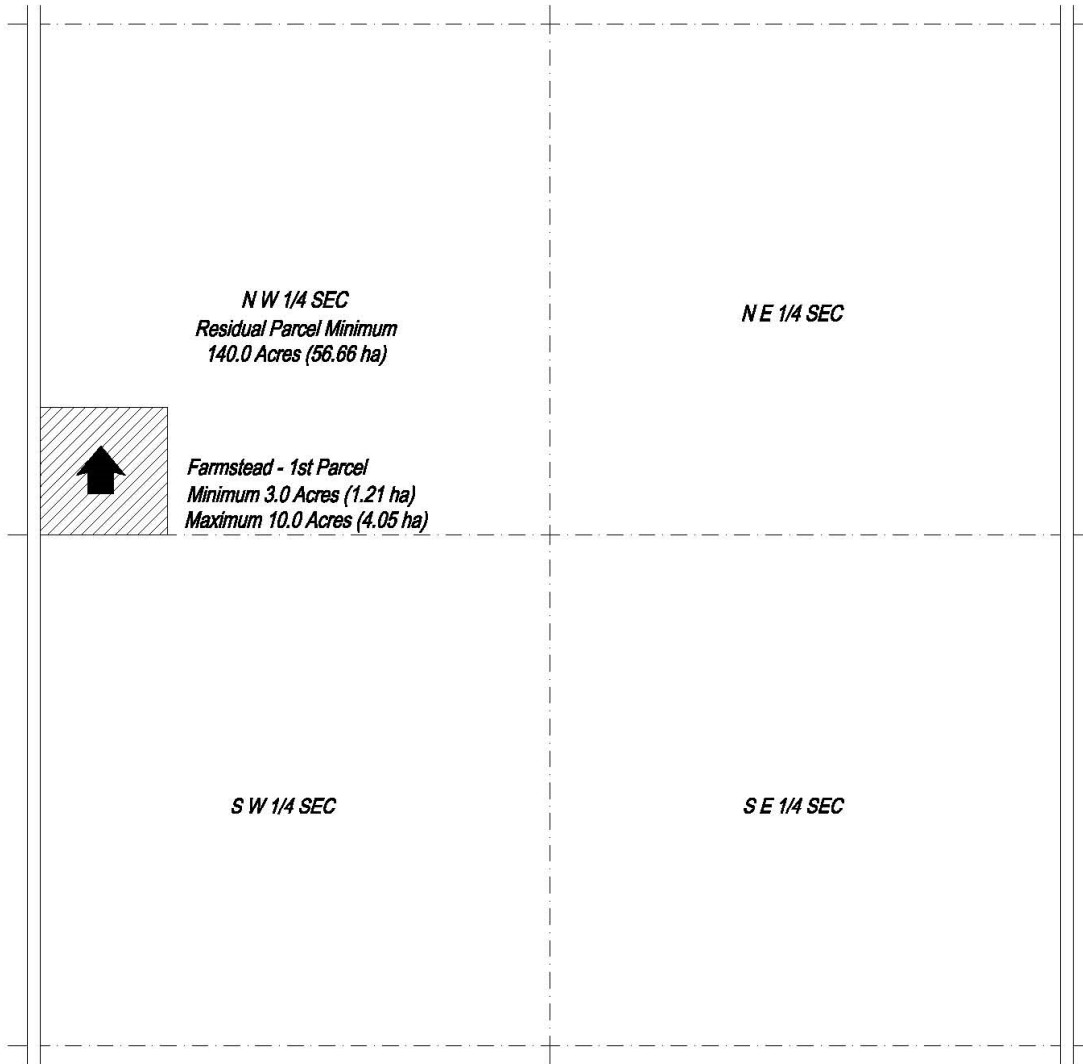
BARELAND SUBDIVISION REQUIRES REDESIGNATION TO  
VACANT COUNTRY RESIDENTIAL - NO FARMSTEAD

M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES



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DIAGRAM 5



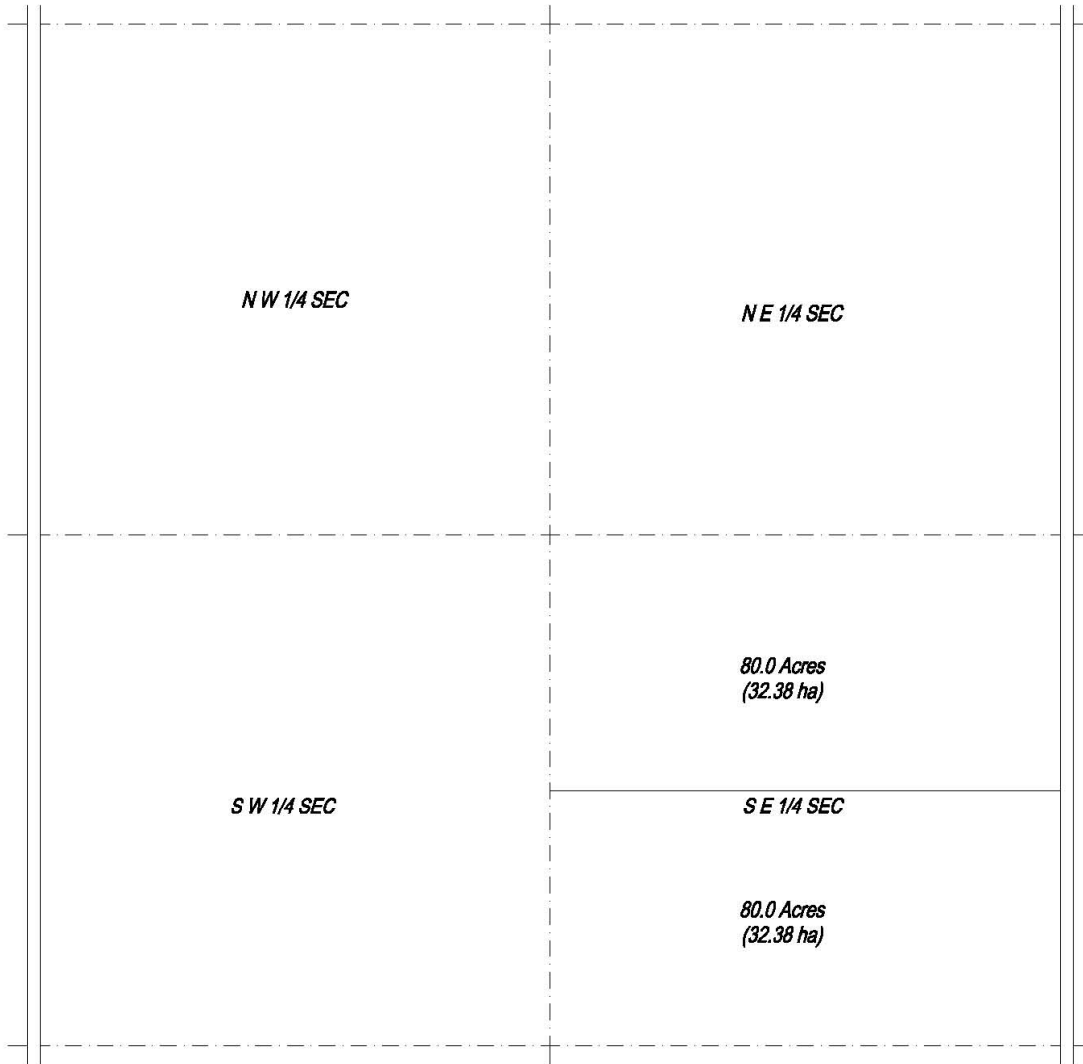
MINIMUM RESIDUAL PARCEL SIZE

M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES



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DIAGRAM 6



**80 ACRE SPLIT PROHIBITED**

**M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES**

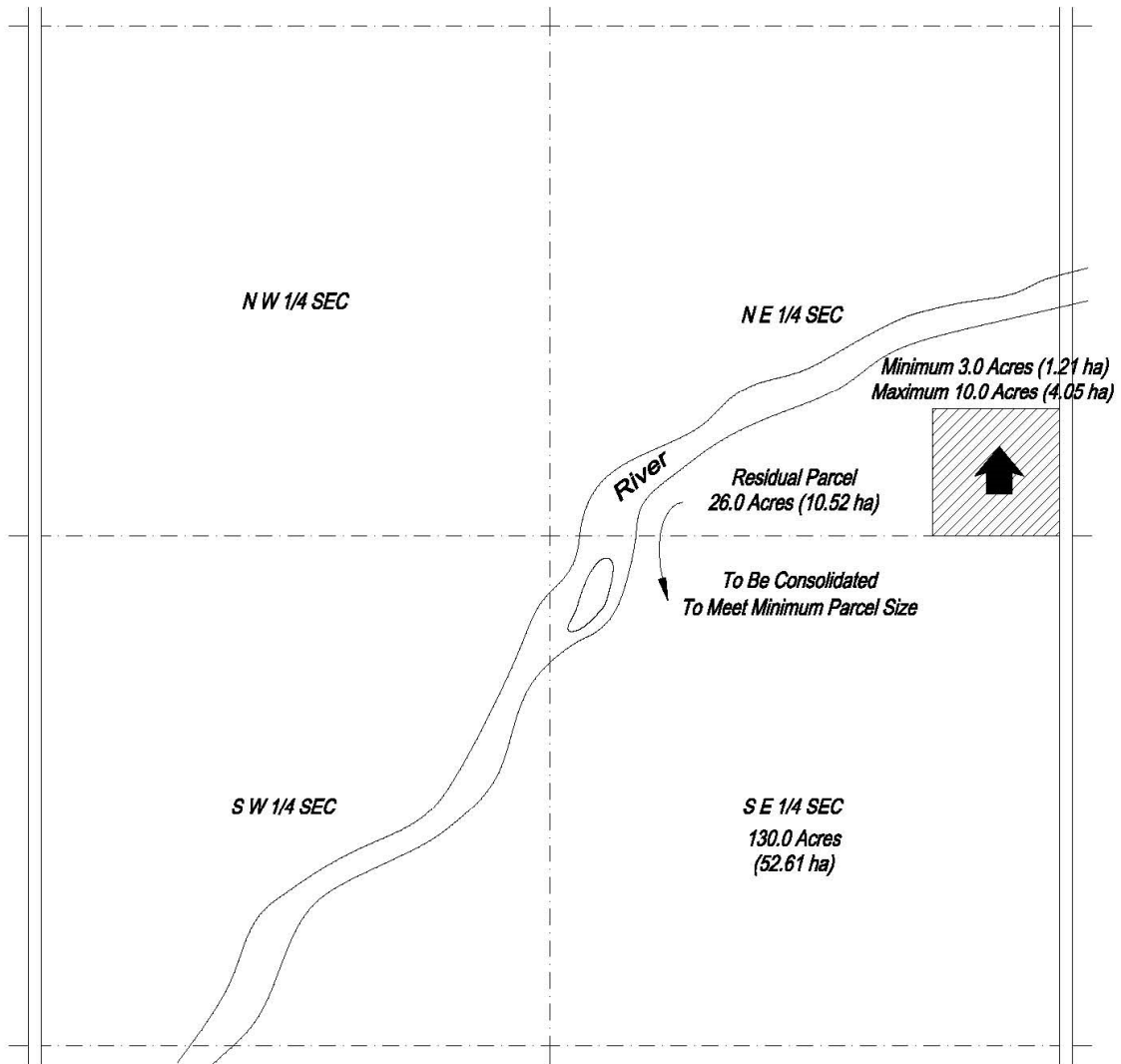


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DIAGRAM 7

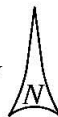


CONSOLIDATION WITH ADJACENT PARCEL  
TO MEET MINIMUM AGRICULTURAL PARCEL SIZE

M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES



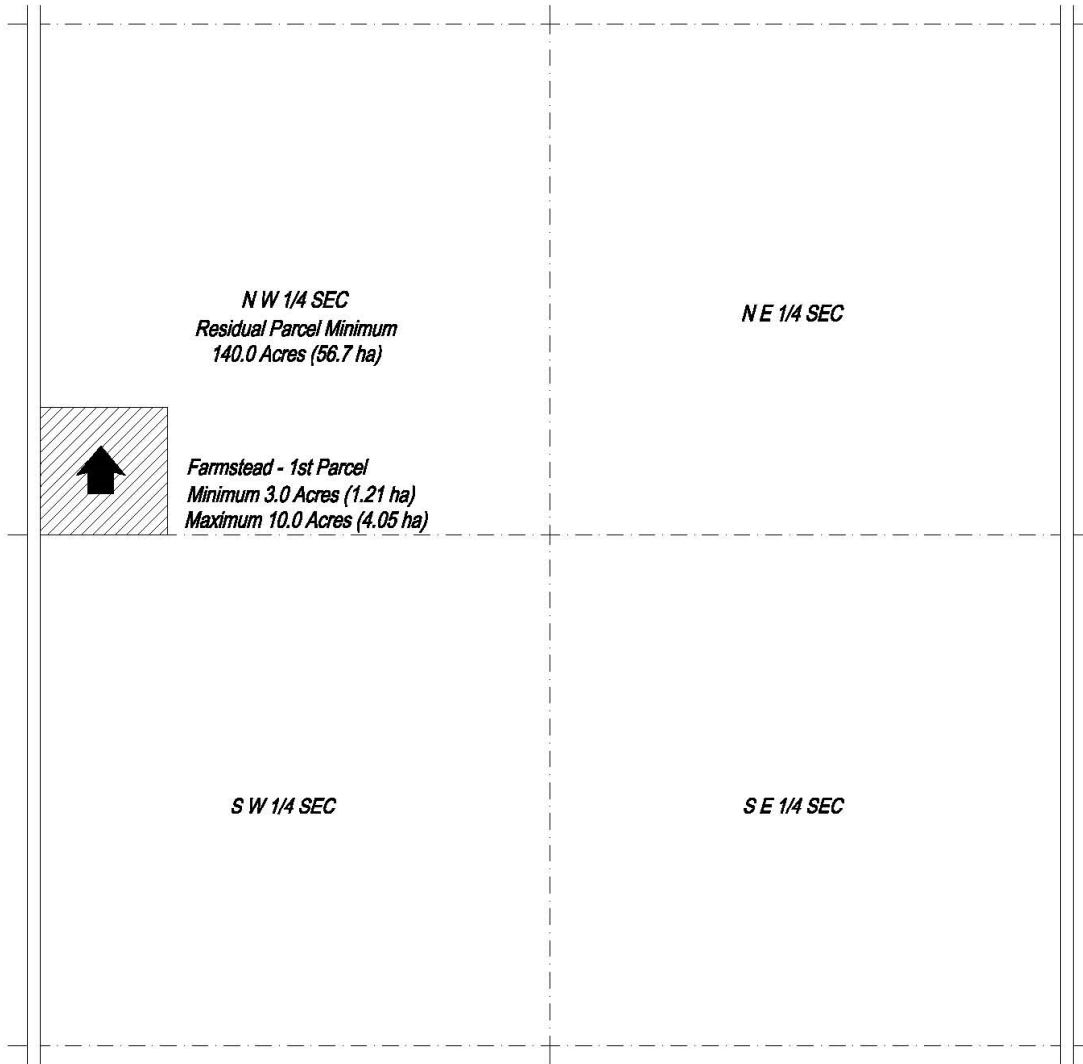
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DIAGRAM 8

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**FARMSTEAD CONTAINING A DWELLING UNIT - 1st PARCEL**

**M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES**

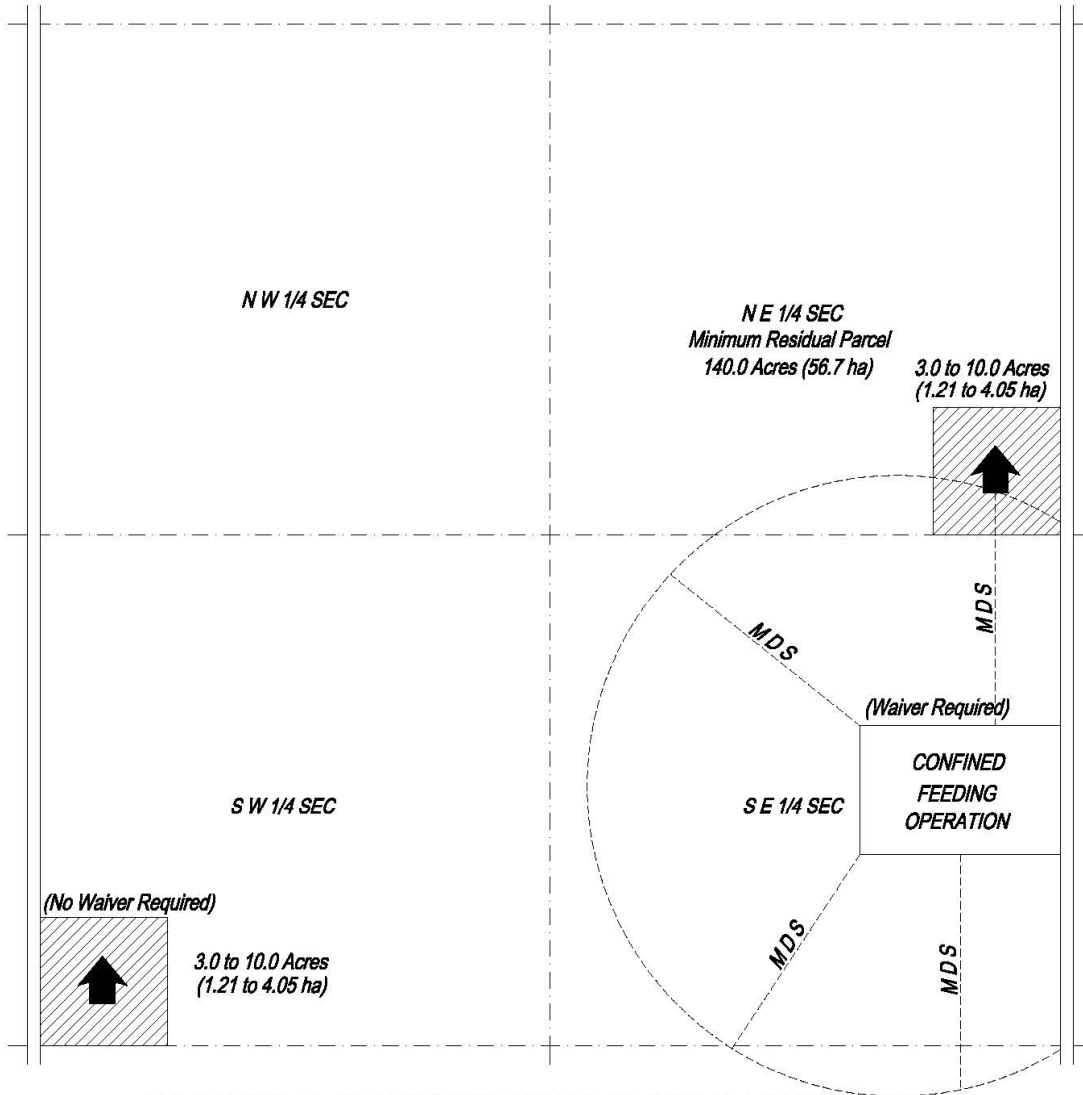


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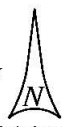
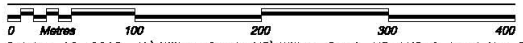
**DIAGRAM 9**





**PROPOSED SUBDIVISION IN CLOSE PROXIMITY TO  
CONFINED FEEDING OPERATION**

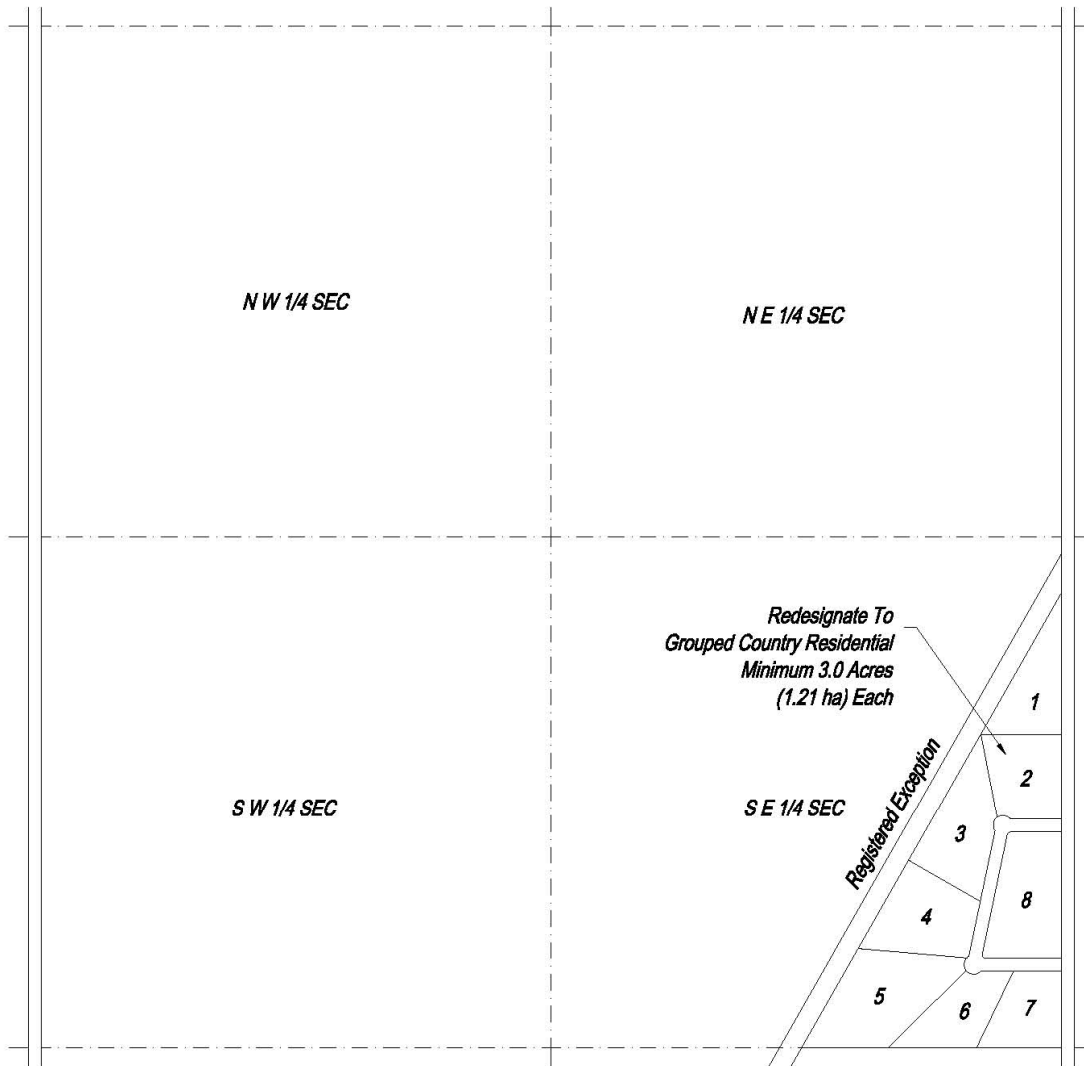
**M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES**



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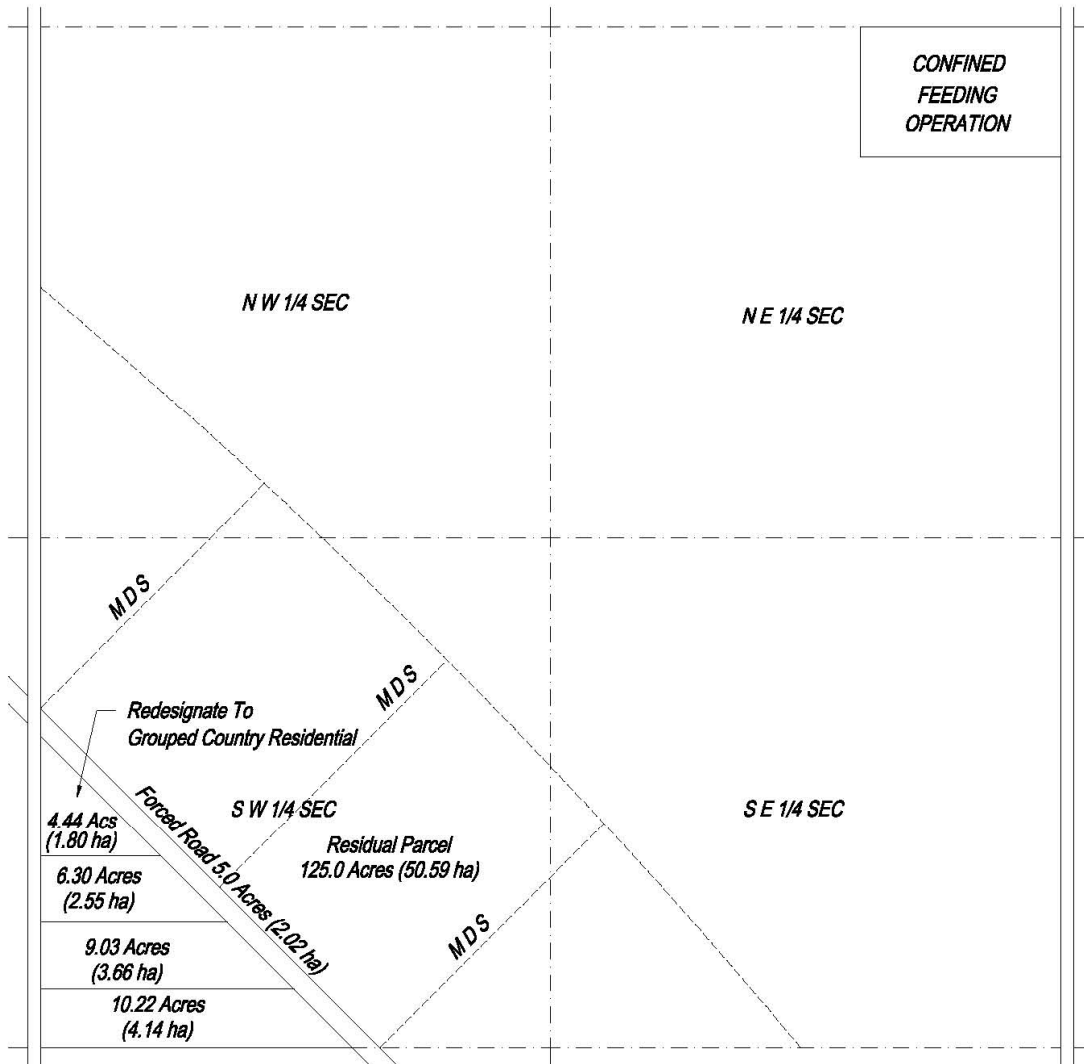
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DIAGRAM 10



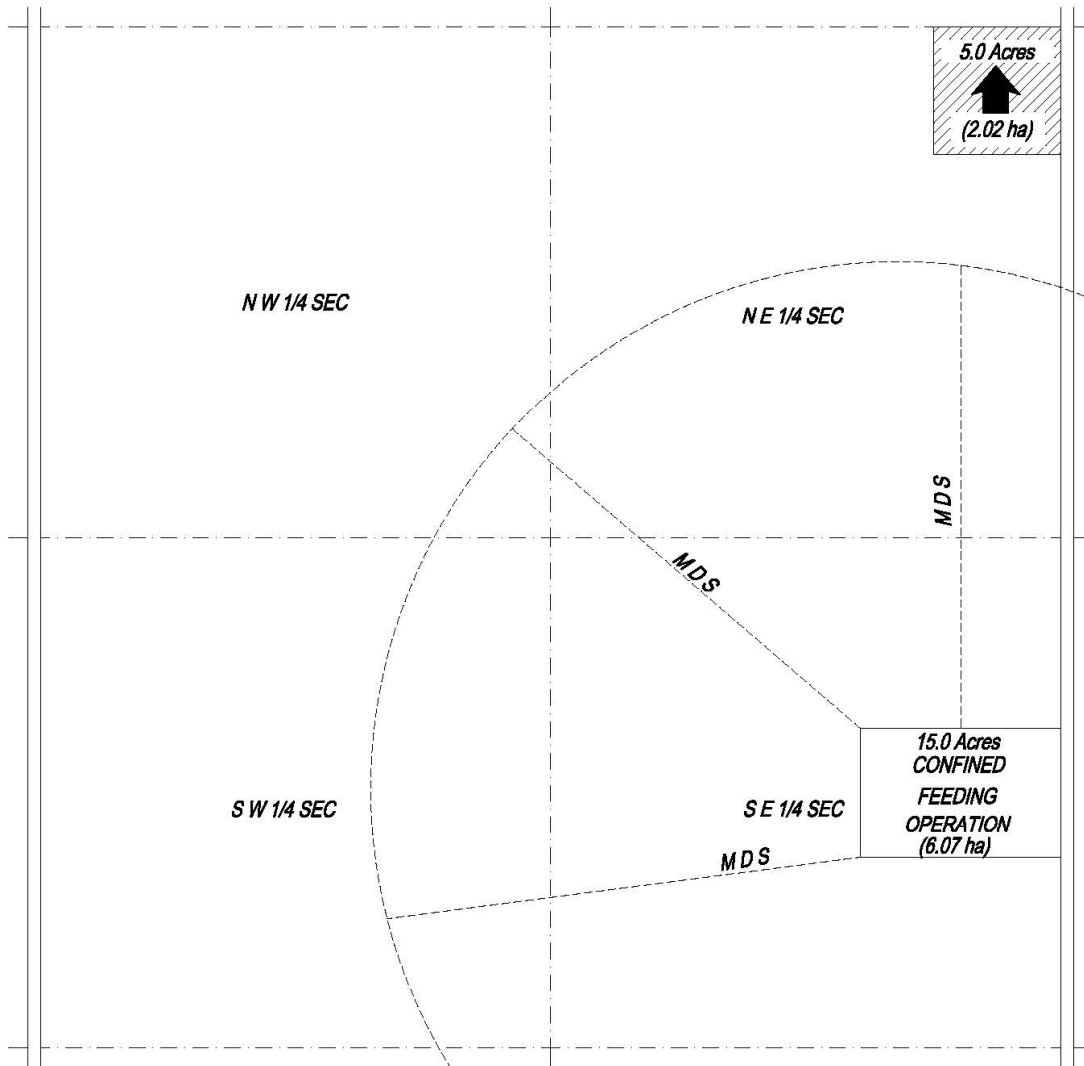
REDESIGNATION / AREA STRUCTURE PLAN

M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES



MINIMUM DISTANCE SEPARATION  
FROM CONFINED FEEDING OPERATION FOR  
GROUPED COUNTRY RESIDENTIAL SUBDIVISION

M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES



**SUBDIVISION OF CONFINED  
FEEDING OPERATION PROHIBITED**

**M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES**

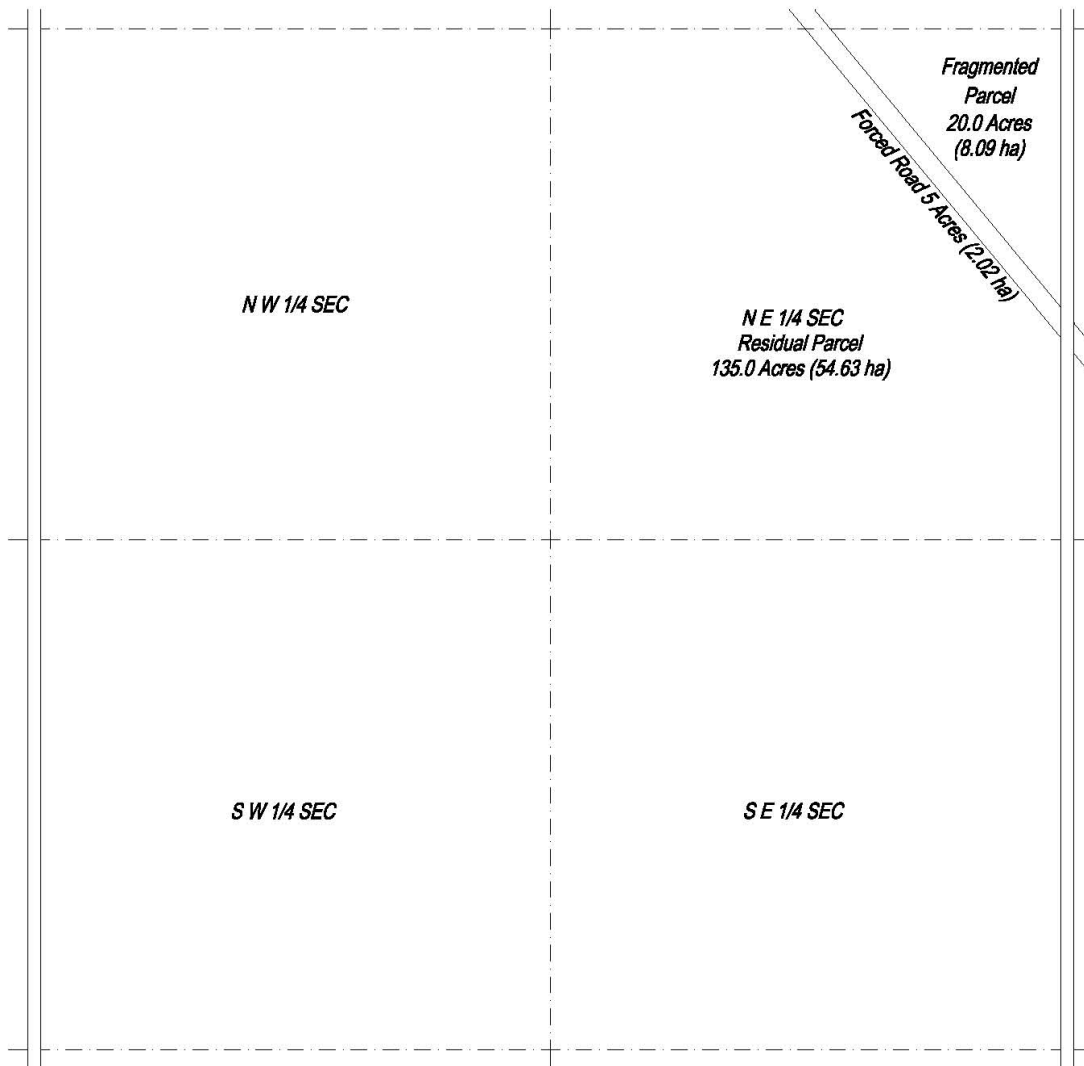


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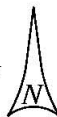
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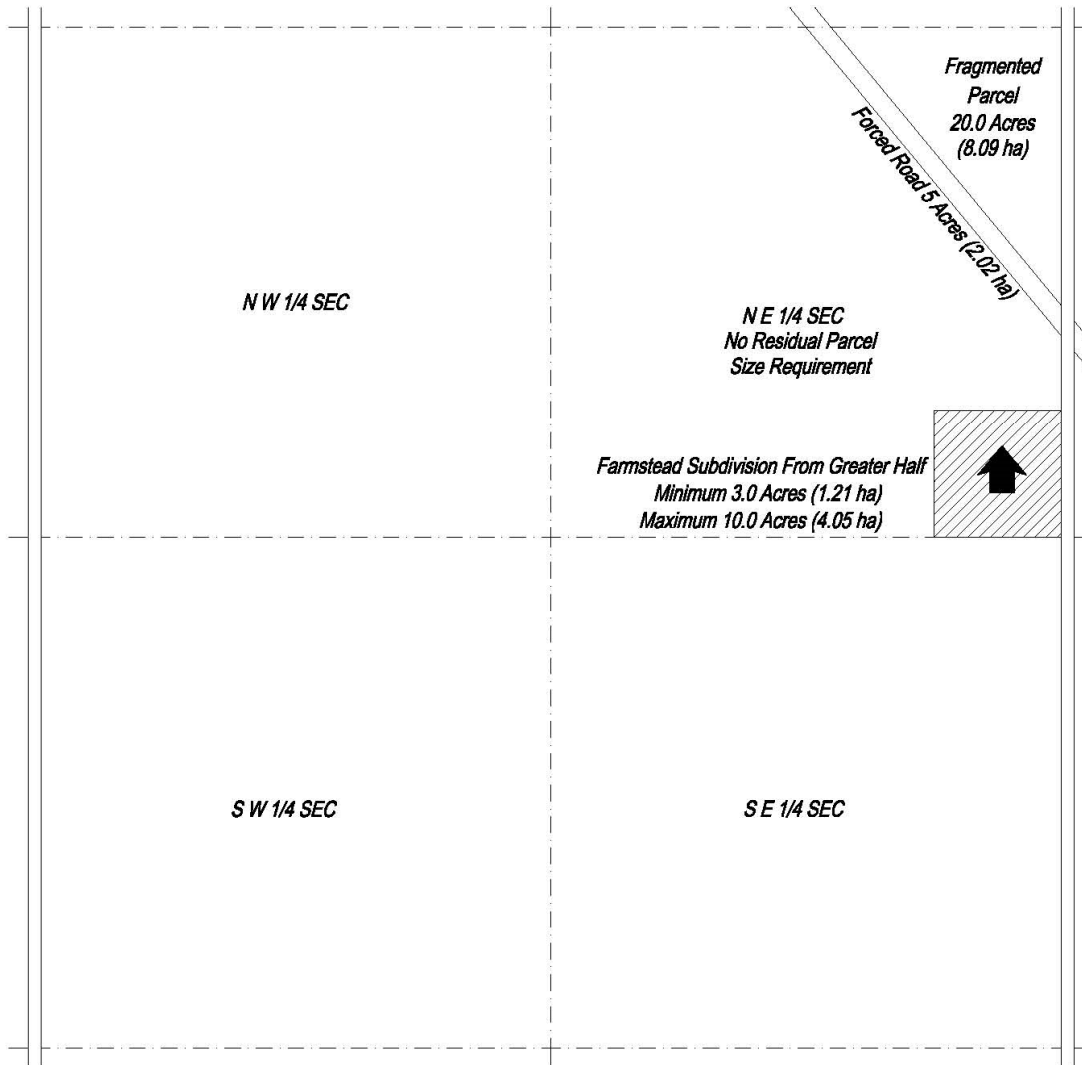
DIAGRAM 13



**FRAGMENTED PARCELS**

**M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES**





FARMSTEAD SUBDIVISION FROM GREATER HALF  
OF FRAGMENTED QUARTER SECTION

M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES



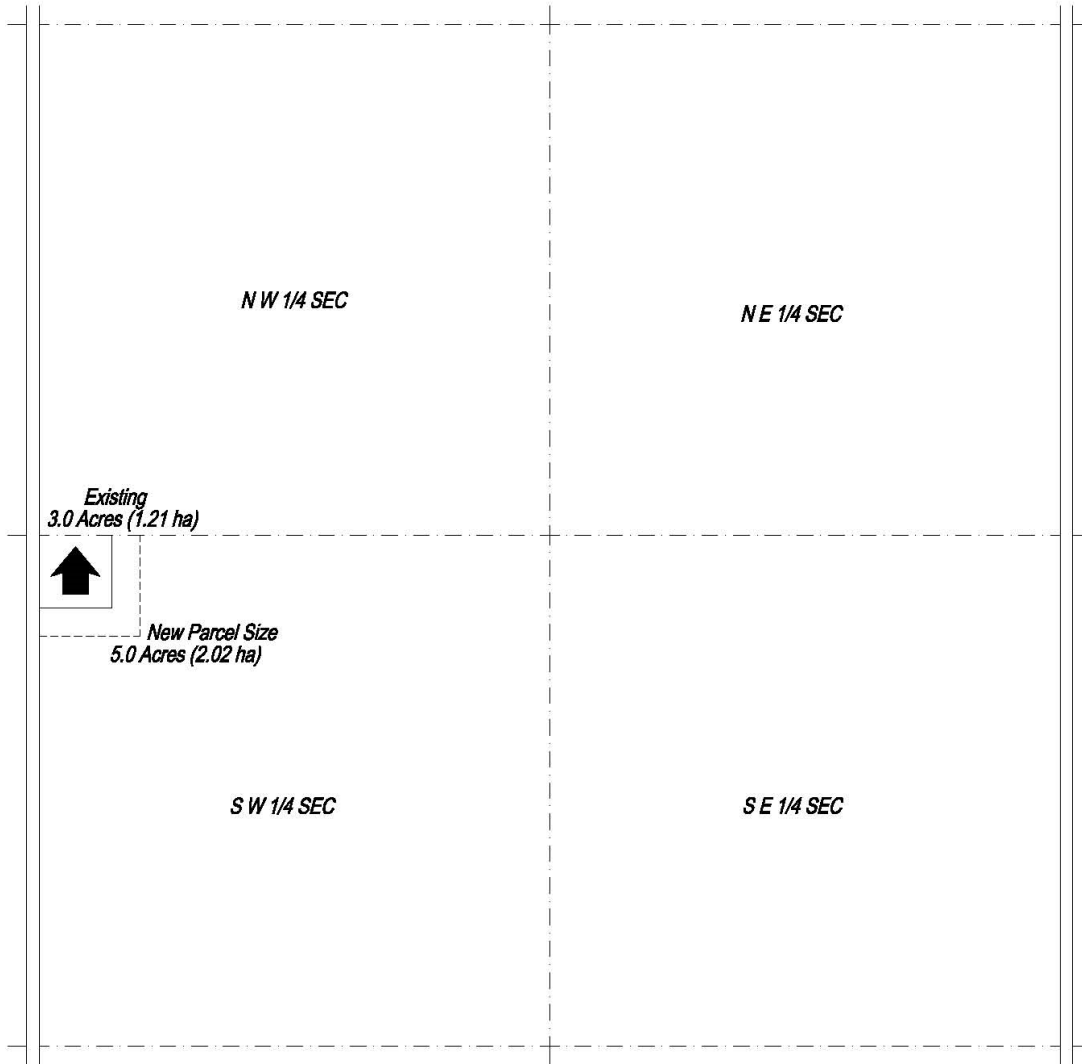
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DIAGRAM 15

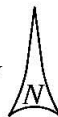


EXISTING PARCEL REALIGNMENT

M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES

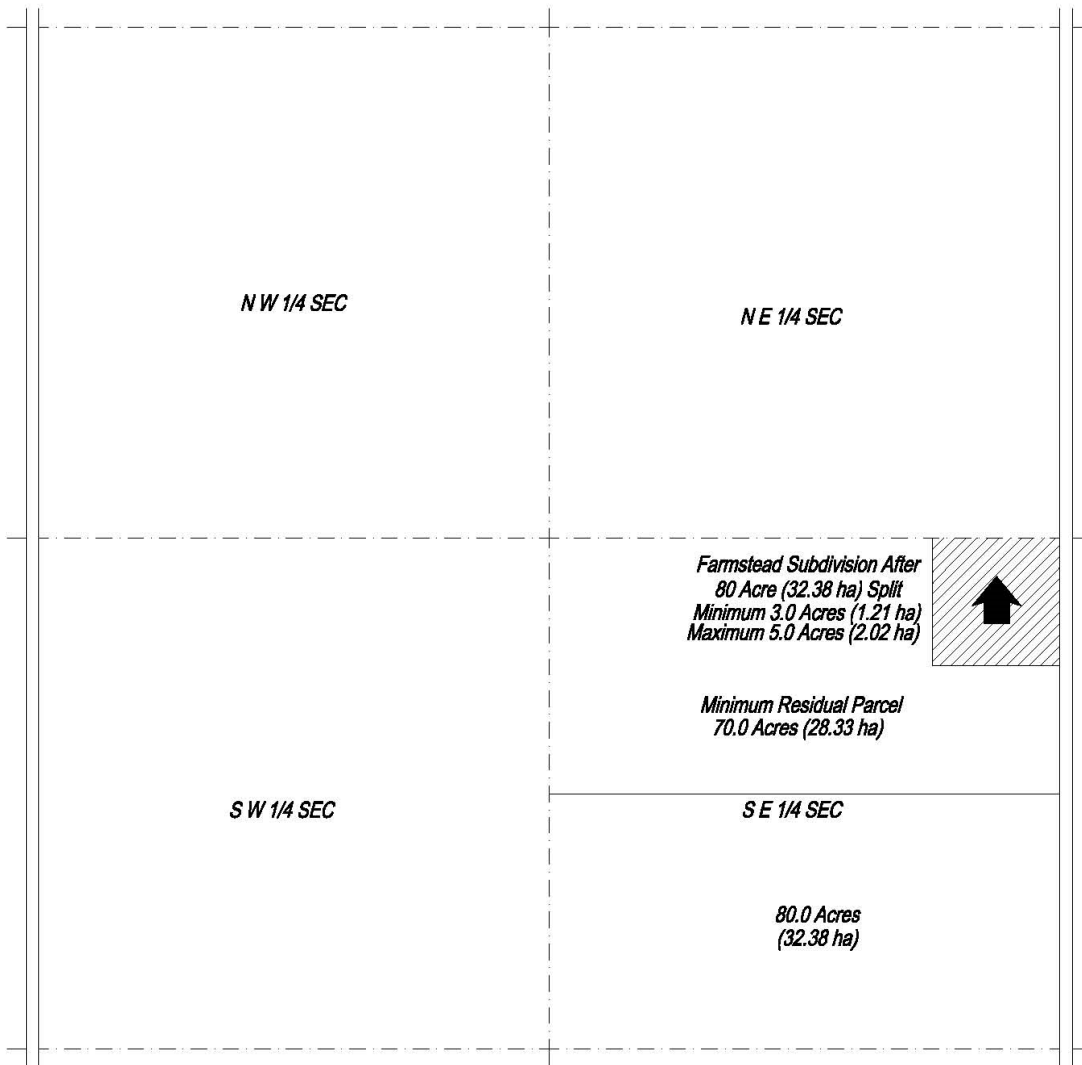


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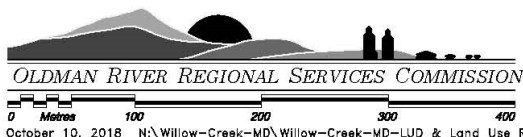
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DIAGRAM 16



FARMSTEAD SUBDIVISION FROM A HISTORIC 80 ACRE SPLIT

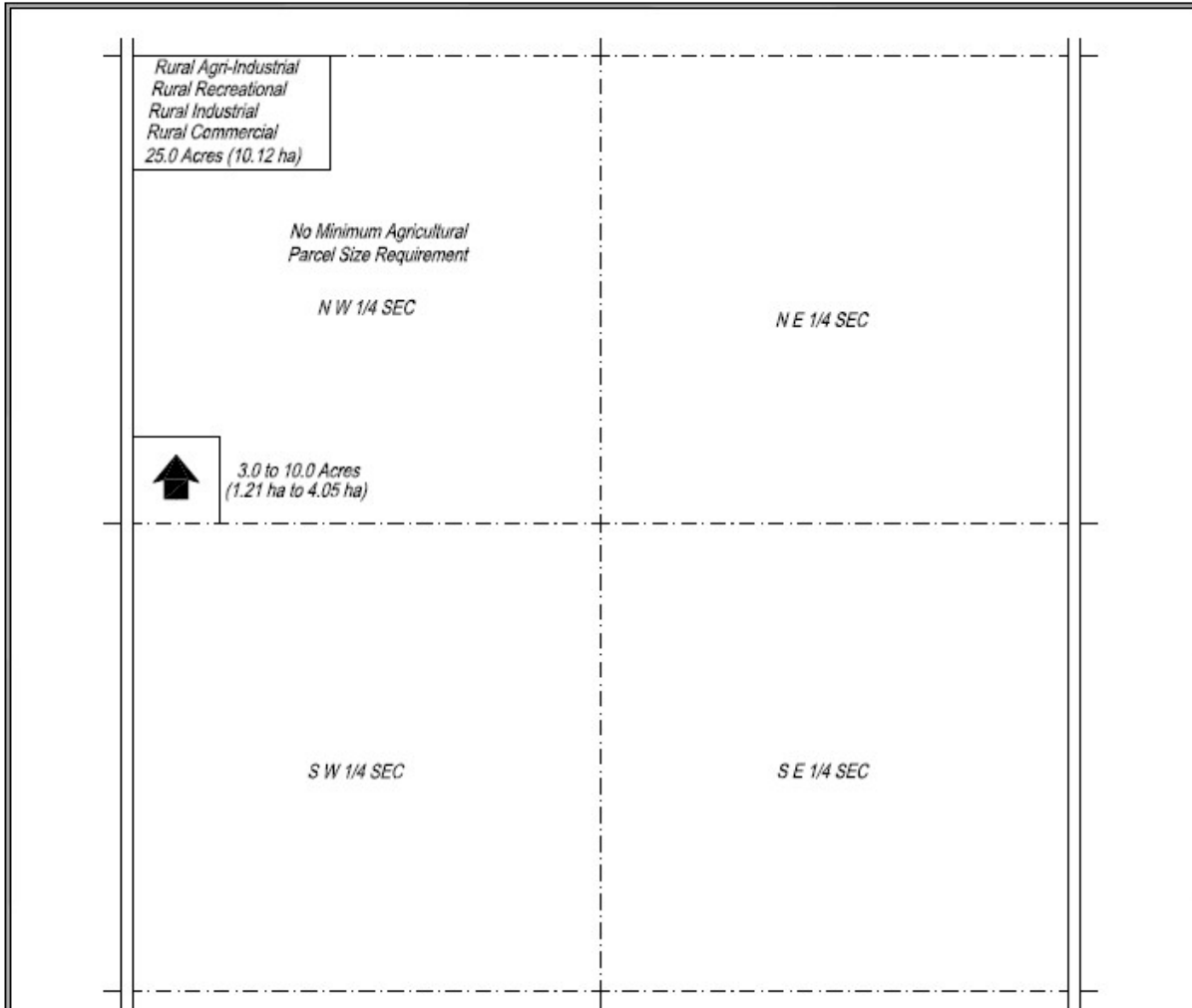
M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES



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DIAGRAM 17





RE-SUBDIVISION OF A PREVIOUSLY SUBDIVIDED  
QUARTER SECTION OR FRAGMENTED PARCEL

M.D. OF WILLOW CREEK No. 26  
SUBDIVISION POLICIES



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Metres

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DIAGRAM 18



Schedule 16

**INTENSIVE LIVESTOCK OPERATIONS**

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## INTENSIVE LIVESTOCK OPERATIONS

For the purposes of determining the requirement for a development permit and applying the standards of the Land Use Bylaw, an intensive livestock operation is any feedlot or covered facility of significant investment and/or permanence, capable of confining a specified minimum number of animals as outlined in Table 1 for growing or finishing for market and at a density of greater than 2 animal units per acre for more than six consecutive months, and less than thresholds established in the *Agricultural Operation Practices Act* Regulation.

Type of Livestock	Number of Animals Requiring a Development Permit	Number of Animals Requiring a NRCB Registration	Number of Animals Requiring a NRCB Approval
Beef Cows/Finishers (900+ lbs.)	75 - 149	150 - 349	350+
Beef Feeders (<900 lbs.)	100 - 199	200 - 499	500+
Dairy (milking cows including replacements and dries)	25 - 49	50 - 199	200+
Swine (sows - farrow to finish)	15 - 29	30 - 249	250+
Swine (sows - farrow to wean)	25 - 49	50 - 999	1,000+
Swine (feeders)	250 - 499	500 - 3,299	3,300+
Swine (weaners)	250 - 499	500 - 8,999	9,000+
Poultry (broilers)	1,000 - 1,999	2,000 - 59,999	60,000+
Poultry (breeder hens)	500 - 999	1,000 - 15,999	16,000+
Poultry (layers)	2,500 - 4,999	5,000 - 29,999	30,000+
Poultry (pullets)	1,000 - 1,999	2,000 - 59,999	60,000+
Turkeys (toms)	500 - 999	1,000 - 29,999	30,000+
Ducks	500 - 999	1,000 - 29,999	30,000+
Geese	500 - 999	1,000 - 29,999	30,000+
Horses (PMU)	50 - 99	100 - 399	400+
Horses (feeders)	50 - 99	100 - 299	300+
Sheep (ewes/rams)	100 - 199	200 - 1,999	2,000+
Goats	100 - 199	200 - 1,999	2,000+
Bison	75 - 149	150 - 349	350+
Elk	75 - 149	150 - 399	400+
Deer	100 - 199	200 - 999	1,000+
Wild Boar	50 - 99	100 - 299	300+



### ANIMAL UNITS

Type of Livestock	Factor to be used to determine the animal units
Beef Cows/Finishers (900+ lbs.)	1.1
Beef Feeders (<900 lbs.)	2
Dairy (milking cows including replacements and dries)	0.5
Swine (sows - farrow to finish)	0.56
Swine (sows - farrow to wean)	1.5
Swine (feeders)	5
Swine (weaners)	18.2
Poultry (broilers)	500
Poultry (breeder hens)	100
Poultry (layers)	125
Poultry (pullets)	500
Turkeys (toms)	50
Ducks	50
Geese	50
Horses (PMU)	1
Horses (feeders)	1
Sheep (ewes/rams)	5
Goats	6
Bison	1
Elk	1.7
Deer	5
Wild Boar	4



Schedule 17

**DEFINITIONS**

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## DEFINITIONS

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In this bylaw, words used in the singular include the plural, and words using the masculine gender include the feminine gender.

### A

**Abattoir** means a licensed facility where animals are killed and processed into meat products for human consumption.

**Accessory building** means any building:

- (a) which is separate from the principal building on the lot on which both are located and the use of which the designated officer decides is normally subordinate and incidental to the principal building; or
- (b) the use of which the designated officer decides is normally subordinate and incidental to the principal use of the site on which it is located.

**Accessory development** means a building or use which is subordinate, incidental and directly related to the principal use of the premises, building, or site and which does not substantially add to the patronage, volume of traffic, or intensity of the use of the premises, building or parcel. An accessory building or use shall be located on the same parcel as the principal use and shall not precede the development of the principal building or use.

**Accessory structure** means a building or structure detached from a principal building, normally ancillary, incidental, subordinate to the principal building or use. Typical accessory structures include flagpoles, swimming pools, propane tanks, satellite dishes, garages, and garden sheds. When a building is attached to the principal building by a roof, a floor or foundation above or below grade, it is part of the principal building.

**Accessory use** means a use or development customarily incidental and subordinate to the principal use or building and is located on the same parcel as the principal use or building.

**Addition** means any construction increasing the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

**Adjacent** means land which is contiguous or would be contiguous if not for a river, stream, railway, road or utility right-of-way or reserve land.

**Agricultural Operation Practices Act (AOPA)** means the *Agricultural Operation Practices Act*, Revised Statutes of Alberta, 2000, Chapter A-7, as amended.

**Airplane hangar** means a structure used to house, store or maintain airplanes.





**Airport apron** means the area of an airport where aircraft are parked, unloaded, refuelled, or boarded.

**Airport site** means the lands used for the operation of an airport.

**Airstrip** means a small landing area having only one runway, with no other airport facilities.

**Alternative/renewable energy** means a use which produces energy in ways which do not use natural resources such as fossil fuels, but is derived from sources such as geo-thermal, solar, water, wind, waste and waste by-products.

**Amusement arcade** means a facility where four or more mechanical or electronic games are kept for the purpose of providing entertainment or amusement to the public for a fee.

**Animal care service, large** means development used for the care, treatment, boarding, breeding or training of animals and livestock within or outside buildings and includes the sale of associated products. This use includes veterinary offices or hospitals, animal shelters, boarding and breeding, facilities for impounding and quarantining animals and related research facilities.

**Animal care service, small** means development for the on-site treatment or grooming of small animals such as household pets, where on-site accommodation is not normally provided and where care and confinement facilities are enclosed within a building. Examples include pet grooming salons, pet clinics, veterinary offices and mobile animal care services.

**Apartment dwelling** means a building or a portion of a building which contains three or more dwelling units and where the primary access to each unit is provided through a common or shared entryway. This use includes a building containing more than six dwelling units, where each unit is provided with its own primary access to the outside.

**Applicant** means the registered owner of the land or his/her representative or agent.

**Approved use** means a use of land and/or building for which a development permit has been issued by the designated officer or the Municipal Planning Commission.

**Apron** means a flat-surfaced area surrounding and lying adjacent to a mobile home pad.

**Aquaculture** means the hatching, raising and breeding of fish or other aquatic plants for sale or personal consumption requiring a body of water such as a pond, river, lake, estuary, waterbody or facility to sustain the operation.

**Arcade** – see “Amusement arcade”.

**Archery** means the sport or skill of shooting with a bow and arrow.

**Archery range, private** means a privately-owned building, structure or outdoor area or space used to carry on the sport of archery by the owner and a limited number of friends or guests.

**Archery range, public** means a building, structure or outdoor area or space used to carry on the sport of archery by paying customers.



**Area redevelopment plan** means a statutory plan in accordance with the *Municipal Government Act* and the Municipal Development Plan for the purpose of all or any of the following:

- (a) preserving or improving land and buildings in the area;
- (b) rehabilitating buildings in the area;
- (c) removing buildings from the area;
- (d) constructing or replacing buildings in the area;
- (e) establishing, improving or relocating public roadways, public utilities or other services in the area; or
- (f) any other development in the area.

**Area structure plan** means a statutory plan prepared in accordance with Section 634 of the *Municipal Government Act* and the Municipal Development Plan for the purpose of providing a framework for subdivision and development of land in the municipality.

**Art and craft studio** means a development used for the purpose of manufacturing goods by hand. Typical uses include pottery, ceramic, jewelry, toy manufacturing, art and sculptures.

**Artificial insemination facility** means an operation which collects, stores and/or places semen from animals not resident of the facility into the reproductive tract of a female by means other than sexual intercourse for the purpose of impregnating the female.

**As required by the Municipal Planning Commission** means a standard or requirement of the Land Use Bylaw established as a condition of a development approval.

**Athletic and recreational facility** means a facility for the purpose of active recreation or athletic activities where patrons are predominantly participants and any spectators are incidental. This includes skating and hockey rinks, swimming pools, rifle, archery and pistol ranges, bowling alleys and racquet courts.

**Auction facility** means a use of land or buildings for the auctioning and temporary storage of household effects, goods and equipment, except livestock.

**Auction mart** means the use of land or buildings for the auctioning and temporary storage of domestic livestock.

**Auditorium** means a room, hall or building designed for stage and film presentations, concerts, recitals and lectures.

**Auto body and paint shop** means a premise where vehicles are repaired and painted.

**Auto sales and/or service** means the use of land or buildings where motor vehicles and parts are displayed for sale or service.

## B

**Bakery** means a facility where baked products are prepared, sold and/or distributed.

**Bank** means a financial institution for the deposit, custody, loan, exchange or issuance of money.

**Basement** means the storey of a building of which the ceiling level is less than 1.82 m (6 feet) above the average finished surface level of the surrounding ground.

**Batch plant** – see “Natural resource extraction”.

**Bed and breakfast** means sleeping accommodations and a morning meal, provided in a guest house or private residence.

**Berm** means a dyke-like form used to separate incompatible areas or functions, or constructed to protect the site or district from vehicular road noise or water.

**Boarding house** means a building (other than a hotel or motel) containing not more than 15 sleeping rooms where meals or lodging for those persons are provided for compensation pursuant to previous arrangements or agreements.

**Boat launch** means a facility for launching of boats or watercraft into a body of water.

**Buffer** means a row of trees, hedges, shrubs or berm to provide visual screening and separation between uses, buildings, sites or districts.

**Buildable area** means a portion of a lot or parcel which remains after setbacks, minimum yard dimensions and separation distances have been deducted.

**Building** has the same meaning as it has in the *Municipal Government Act*.

**Building height** means the vertical distance between grade and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building.

**Building inspector** means the person(s) appointed by the municipality through an accredited agency to conduct inspections in the municipality.

**Building supply center** means a commercial entity dedicated to the supply and sale of hardware, construction supplies, home improvement items and like goods to wholesalers, retailers, or the public.

**Bulk fertilizer storage and sales** means a facility or storage containers used to house and sell fertilizer products to the public.

**Bulk fuel storage and sales** means a commercial wholesale or retail outlet dedicated to the storage of fuels such as, but not limited to, diesel, gasoline, aviation fuel, propane, oil, grease and solvents and the sale of those products to wholesalers, retailers, agricultural entities and the public.

## C

**Cabin** means a habitable dwelling unit of not less than 27.88 m<sup>2</sup> (300 sq. ft.) nor more than 46.45 m<sup>2</sup> (500 sq. ft.) complete with sleeping, cooking and washroom facilities constructed, renovated or relocated in compliance with this bylaw and the *Safety Codes Act*.

**Campground** means an area where two or more campsites are located for seasonal occupancy by camping units (holiday or tent trailers, recreation vehicles, tents and similar equipment) by the public as temporary living quarters for recreation, education or vacation purposes. This use may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and dwelling accommodation for the owner/operator as part of the use or, as ancillary uses.

**Campground, basic** means a parcel of land developed into designated lots for camping and having minimum amenities, including but not limited to, potable water by means of a standpipe or well, tables, outdoor privies and some fire pits.

**Campground, commercial** means a parcel of land which has been planned and developed into a number of identifiable lots for the placement of tents or recreational vehicles for overnight accommodation where a fee is paid by the individuals for the camping privilege based on the level of camping services provided to each site.

**Campground, family** means an area where a maximum of five campsites are located for occupancy, at no cost, to members of the landowner's family or friends.

**Campground, primitive** means a parcel of land developed for the random placement of tents and recreational vehicles and having the minimum amenities of potable water by means of standpipe or well, tables, outdoor privies and some fire pits.

**Campground, private** means:

- (a) a use of land or buildings for financial gain where admittance is based on the payment of a fee, or where admission is limited to members of a club, organization or association; and
- (b) a use of land or buildings intended for seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment. This use may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and dwelling accommodation for the owner/operator as part of the use or, as accessory uses.

**Campground, semi-serviced** means a parcel of land developed for camping and having at least 50% of the designated lots with at least partial services including, but not limited to, tap water, central service building(s) with flush toilets and wash basins, sewage disposal stations, tables, some fire pits, firewood for sale and a caretaker on premises.

**Campground, serviced** means a parcel of land developed for camping and having at least 75% of the designated lots with at least partial services including, but not limited to, tap water, central service building(s) with flush toilets, wash basins and showers, sewage disposal stations, tables, fire pits, firewood for sale, public telephone and a caretaker on premises.



**Camping** means a four-season, outdoor activity involving one or more overnight stays away from home in a shelter such as a tent, camper or recreational vehicle.

**Camping, random** means the ad hoc placement of one or more tents, campers or recreational vehicles used to sleep overnight on areas of public or private lands, free of charge, where no camping-related services exist or are provided.

**Cannabis definitions** – see Schedule 14.

**Carport** means a partially enclosed structure intended for the shelter of one or more motor vehicles.

**Car wash** means a building designed for the cleaning of motor or recreational vehicles.

**Cemetery** means a landscaped open space for the entombment of the deceased, and may include a crematoria, cineraria, columbaria, and mausolea.

**Cenotaph** means a structure or monument erected at an area designed for public assembly and reflection to honour individuals who lost their lives in wartime periods and whose bodies are buried elsewhere.

**Certificate of Compliance** means a document signed by the Municipal Planning Commission or designated officer certifying a development complies with this bylaw with respect to yard requirements and as represented on an Alberta Land Surveyor's Real Property Report.

**Church** means a facility for the purpose of assembly and worship and may include social, recreational and community activities such as group meetings, cultural events, banquets, and child care services.

**Clearance** – see Schedule 9.

**Clear vision triangle** means a triangular area formed on the corner site by two street property lines and a straight line, which intersects them 6.1 m (20 feet) from the corner where the property lines meet.

**Club house** means a building or room occupied by a club, fraternity or an association used for social or recreational activities by its members and/or guests.

**Commercial** means the use of land and/or buildings for the purpose of sale, display and storage of goods and/or services. On-premises manufacturing, processing or refining of materials may be deemed to be a commercial use, at the discretion of the designated officer or Municipal Planning Commission.

**Commercial logging** means the harvesting of existing timber stands within the municipality whereby the logs are removed to be processed at a different location.

**Commercial/private recreation** means the use of land, building or facility for recreational purposes, but where the public is admitted by payment of a fee, or where admission is by membership to a club, organization or association. Facilities associated with the operation may include eating facilities, administrative offices and retail operations, provided any such operation is accessory and incidental to the principal recreational use.



**Commercial use** means the use of land and/or building for the purpose of display, storage and wholesale or retail sale of goods and/or services to the general public. On-site manufacturing, processing or refining of goods shall be incidental to the sales operation.

**Common wall** means a vertical separation dividing a portion of a building from the remainder of the building and creating a building which, from its roof to its lowest level, is separate and complete unto itself, such wall being owned by one party but jointly used by two parties, through an agreement.

**Communication facility** means a building, cabinet, shed, vault, box, pedestal, tower, pole, antenna or structure used for the transmission, distribution, housing or protection of electronic equipment used for the broadcast or reception of electro-magnetically transmitted information or wireless communication signals.

**Communication system** means one or more networks of communication links, services or facilities used for the broadcast or reception of communication signals.

**Community facility** means community halls, public libraries, parks, playgrounds, schools, agri-plexes, arenas, skating rinks, and other similar facilities.

**Conceptual scheme** means a detailed site layout plan for a piece of land which:

- (a) shows the location of any existing or proposed buildings;
- (b) describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole;
- (c) provides for access roads, water, sewer, power and other services to the satisfaction of the Municipal Planning Commission; and
- (d) has not been adopted by municipal bylaw as an area structure plan.

**Condominium** means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners.

**Condominium plan** means a plan of survey registered at Land Titles Offices prepared in accordance with the provisions of the *Condominium Act*, Revised Statutes of Alberta 2000, Chapter C-22, as amended.

**Confined feeding operation (CFO)** has the same meaning as defined in the *Agricultural Operation Practices Act (AOPA)*.

**Contractor** means an individual or company who contracts on predetermined terms to provide labour and materials and is responsible for the performance of a construction job in accordance with established specifications or plans.

**Convenience store** means a small retail outlet selling goods and food on a day-to-day basis from a business premises.

**Convention facility** means a permanent facility for meetings, seminars and conventions. Eating establishments and drinking establishments may be incorporated into the facility as accessory uses.



**Copy area** – see Schedule 9.

**Council** means the Council of the Municipal District of Willow Creek No. 26 in the Province of Alberta.

**Country lodge** – see “Lodge”.

**Country residence** means a use of land, the primary purpose of which is for a dwelling or the establishment of a dwelling in a rural area.

**Crematorium** means a place where a dead person’s or animal’s body is cremated.

**Critical wildlife zone** means an area critical to significant numbers of a species during at least part of the year. This can include wintering areas for ungulates, nesting or staging areas for waterfowl, colony sites for colonial nesters, and over-wintering areas for upland birds established in the South Saskatchewan Regional Plan.

**Cultural establishment** means a development available to the public for the purpose of assembly, instruction, cultural or community activity and includes such uses as a church, library, museum and art gallery.

**Cut-off fixture** means a fixture allowing no more than 2.5% of direct light emitted above the horizontal plane.

## D

**Dark Sky Initiative** means the regulation of lighting on private property and public areas, through the use of cut-off fixtures, flat lens cobra head fixtures, and the prohibition of laser lights, search lights and bottom up lighting to limit the effects of light pollution and to reduce the negative effects on astronomical observation, plant and animal cycles, and the safety and health of the residents in the municipality.

**Day care facility** means a facility for the provision of care, supervision or rehabilitation of children or adults for periods not exceeding 24 consecutive hours.

**Density** means the number of dwelling or accommodation units on a site expressed in units per hectare or acre.

**Designated officer** means the Chief Administrative Officer (CAO) or his/her designate or the Development Manager or the Development Officer.

**Designated waterbodies** means Pine Coulee Reservoir, Clear Lake, and Twin Valley Reservoir.

**Developed residence** means a dwelling:

- (a) is permanent and habitable,
- (b) has developed legal access,
- (c) has electrical and gas utilities available to the site,
- (d) has a supply of potable water and a functional sewage disposal system,



- (e) is situated on a permanent foundation, and
- (f) has a kitchen and sleeping area.

**Developer** means an owner of land or his/her agent who wishes to alter the title and/or change the use of the property.

**Development** has the same meaning as it has in the *Municipal Government Act*.

**Development agreement** means a contractual agreement between the municipality and an applicant for a development permit which specifies the public roadways, utilities and other services to be provided by the permit holder as a condition of development approval or subdivision approval, provided the agreement is in accordance with Sections 648, 650, 654 and 655 of the *Municipal Government Act*, as amended.

**Development area** means the area to be occupied by a building or structure plus the reasonable area required for excavation and construction.

**Development Authority** means the designated officer or the Municipal Planning Commission, except in such instances where the designated officer may be the Development Authority, in accordance with this bylaw.

**Development permit** means a document issued pursuant to this bylaw authorizing a development.

**Discretionary use** means one or more uses of land or buildings described in Schedule 2 as discretionary uses.

**District** means a district established under Schedule 1 of this bylaw.

**Dog Kennel** – see “Kennel”.

**Double-wide mobile home** means mobile home permanently fixed to two chassis, or is permanently fixed to one chassis with a section which can be expanded or telescoped from the mobile home for additional floor area. Double-wide mobile homes shall not be less than 6.1 m (20 feet) in width.

**Drinking establishment** means an establishment licensed pursuant to provincial legislation where alcoholic beverages are served for consumption on the premises.

**Drive-in business** means an establishment with facilities for on-site service to customers who remain in their motor vehicles.

**Drop lens cobra head fixture** means a streetlight where the curve of the lens extends downward past the exterior of the fixture.

**Dry cleaner** means an establishment which specializes in the cleaning of clothes or fabrics with substantially non-aqueous organic solvents to which special detergents or soaps may be added.

**Duplex** means a building containing two separate dwelling units connected by a common floor and ceiling.





**Dwelling unit** means one or more self-contained rooms provided with sleeping, cooking, dining and sanitary facilities intended to be used permanently or semi-permanently as a residence for one or more individuals as a single housekeeping unit.

## E

**Easement** means a legally registered right held by one party in land owned by another.

**Eating establishment** means a facility where food is prepared and served on the premises for sale to the public and includes restaurants, delicatessens, cafeterias and drive-in restaurants.

**Eaveline** means the line formed by the intersection of the wall and roof of a building.

**Electronic sign “electronic message board”** – see Schedule 9.

**Employee housing** means one or more dwelling units used exclusively for the residence of employees and members of their family.

**Entertainment establishment** means a facility where entertainment is provided to the public, either exclusively or in combination with other activities and may include a live theatre or cinema.

**Entertainment establishment, adult** means any premises where live performances, motion pictures, video tapes, video discs, or electronic and photographic reproductions are the main feature in which the nudity or partial nudity of adults is presented.

**Environmental education** means field trips related to publicly or privately sponsored educational and interpretive programs.

**Environmentally significant areas** means:

- (a) “Hazard” lands and areas which are unsuitable for development in their natural state such as floodplains, floodway, flood fringe, flood prone areas, permanent wetlands, and steep and unstable slopes; or which pose severe constraints on types of development such as areas of artesian flow and aeolian surficial deposits;
- (b) areas which perform a vital environmental, ecological or hydrological function such as aquifer recharge;
- (c) areas which contain unique geological or physiographic features;
- (d) areas which contain endangered species;
- (e) areas which are unique habitats such as natural grasslands and wetlands;
- (f) areas which contain an unusual diversity of plant and/or animal communities due to a variety of geomorphological features and microclimatic effects;
- (g) areas which contain large and relatively undisturbed habitats and provide sheltered habitat for endangered species;
- (h) areas which contain plants, animals or land forms which are unusual or of regional, provincial or national significance; or



- (i) areas which provide an important linking function and permit the movement of wildlife over considerable distance.

**Environmental reserve** means a parcel of land specified as environmental reserve by a Subdivision Authority pursuant to Section 664 of the *Municipal Government Act*, as amended.

**Equipment sales, rental and service** means the use of land or buildings for the retail sale, wholesale distribution, rental and/or service of hand tools, construction, farming, gardening and automotive equipment, machinery parts and office equipment.

**Escarpment** means a steeply sloping area with a slope of 15% or greater separating two level or more gently sloping areas and may contain isolated pockets of lesser sloped terrain and includes ravines, gullies, coulees and side draws.

**Escarpment setback** means a line established by the Municipal Planning Commission based on a geotechnical assessment defining the closest point to the escarpment top of bank or toe of slope where subdivision or development may occur.

**Emergency services** means fire, police, ambulance or similar service.

**Existing lot** means a lot existing at the time this bylaw was adopted.

**Existing parcel** means a lot or parcel as defined in the *Municipal Government Act* and for which a certificate of title has been issued.

**Extended care facility** means a public or private health facility with overnight accommodation for the care, supervision or rehabilitation of individuals.

**Extensive agriculture** means the production of crops or livestock or both by the expansive cultivation or open grazing of normally more than one parcel or lot containing 64.75 ha (160 acres) more or less.

**Exotic animals** means species of animals not native to Canada.

## F

**Factory-built housing** means homes intended for residential occupancy constructed in a factory, including modular, panelized and pre-engineered homes.

**Family** means two or more persons occupying a dwelling unit related by blood, marriage or adoption.

**Family campground** – see “Campground, family”.

**Farm buildings** means buildings or development commonly contained in a farmstead associated with a farming operation or an extensive agriculture use. Examples include barns, granaries, implement machinery and equipment sheds, dugouts, corrals, fences and haystacks but this use does not include intensive horticultural facility, intensive livestock operation or any dwelling unit.



**Farm/industrial machinery sales, rental, service and repair** means the use of land or buildings for the sale, service and/or rental of agricultural implements, and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

**Farmstead** means a part of a parcel:

- (a) developed with dwellings, buildings, structures, shelter belts, dugouts, storage areas for farm equipment, produce and fertilizer; or
- (b) which may be defined by topography, vegetation, or other physical constraints.

**Farmstead, abandoned** means a part of a parcel formerly used to reside in a permanent habitable dwelling which was delineated by shelterbelts, vegetation encompassing buildings, structures, dugouts and equipment.

**Farm supplies and service** means the use of land or buildings for the sale, storage and distribution of grain, livestock feed, fertilizer or chemicals used in agriculture.

**Feed mill** means the use of land, buildings or structures for the purpose of producing animal feed from raw agricultural products.

**Fence** means a roofless structure, wall or hedge used as an enclosure or screening on any part of a lot.

**Fill** means the import and placement of natural uncontaminated earth or aggregate materials (e.g. clay, silt, sand, gravel) on a parcel for the purposes of altering/modifying grades, drainage, or building up a site for a proposed building or development.

**Financial institution** – see “Bank”.

**Fire hall** – see “Public and institutional use”.

**FireSmart** means a program developed in Alberta by Partners in Protection to educate stakeholders on the risks of developing in the Wildland Urban Interface and methods used to reduce the risk of wildfire.

**Fitness center** means a premises used for the development of physical health or fitness, including but not limited to, health centers, gymnasiums, racquet ball courts, spas and weight loss salons.

**Flat lens cobra head fixture** means a streetlight where the lens does not protrude past the exterior of the fixture.

**Flood elevation, 1:100 year** means the water level reached during a 1:100 year flood determined using criteria established by Alberta Environment and Parks.

**Flood fringe** means the portion of the floodplain outside the designated floodway inundated by flood waters characterized by low velocity flows, shallow depths and/or standing water.



**Floodplain** means the areas adjacent to a watercourse susceptible to inundation by water due to flooding.

**Flood prone lands** means areas subject to flooding from time to time.

**Floodrisk area** means land bordering a water course or waterbody which would be inundated by a 1:100 year flood determined by Alberta Environment and Parks.

**Floodway** means the channel of a watercourse and those portions of the floodplain joining the channel which are readily required to carry and discharge flood waters or flood flows of a 1:100 year flood with no significant increase in the base flood elevation.

**Floor area** means the sum of the total external horizontal area of all floors and passageways of a building, but not including basements, attached garages, and open porches.

**Food processing** means an industry which refines or mills an agricultural product into an edible commodity fit for human consumption.

**Food services/catering** means the preparation of meals at one location for delivery to other locations.

**Foundation** means the supporting base structure of a building.

**Fourplex dwelling** means cluster housing containing four dwelling units, where:

- (a) each unit has two contiguous or abutting walls to provide fire separation from the adjacent dwelling units;
- (b) two of the dwelling units face the front yard, and two dwelling units face the rear yard; and
- (c) each unit is provided with its own separate primary access to the outdoors.

**Fragmented parcel** means a titled area which has been or has the potential of being subdivided pursuant to the policies and criteria established in this Land Use Bylaw. (See Schedule 15)

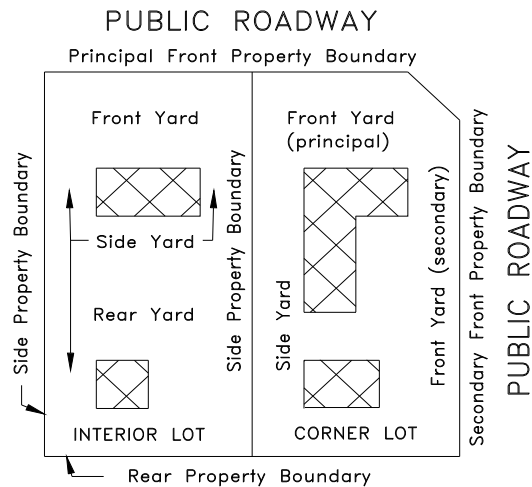
**Freight terminal** means a facility accommodating the storage and distribution of freight shipped by rail, or highway.

**Frontage** means the lineal distance measured along the front legal lot line.

**Front property boundary, principal** means the front property boundary as shown in Figure 17.1.

**Front property boundary, secondary** means the front property boundary as shown in Figure 17.1.

**Figure 17.1**



**Full cut-off fixture** means a light fixture not allowing any light dispersion above the horizontal plane and whose lamp (bulb) is fully recessed within the housing of the fixture itself.

**Funeral home** means a development used for the arrangement and holding of funerals, and preparation of the dead for burial or cremation.

## G

**Gaming or gambling establishment** means a building or structure used for the purpose of dealing, operating, maintaining or conducting a game played with cards, dice, or machine for money, property or item of value.

**Garage (residential)** means an accessory building designed and used for storage of motor vehicles.

**Garage suite** means a dwelling unit located above a garage, accessory to a principal dwelling unit.

**Garden center** means the use of land or buildings for the sale, display, growing and storage of garden, household, and ornamental plants and trees provided the retail sale and display of plants and trees remains the principal use. This use includes the supplementary retail sale of fertilizers, garden chemicals and implements as well as associated products.

**Garden shed** means a small outdoor storage compound constructed for the housing of garden tools, lawn equipment or other small items.

**Garden suite** – see “Secondary and/or subsequent residence”.

**Gas bar** means a facility for the sale of fuel, lubricants and other automotive fluids but is not a service station.



**Golf course** means an outdoor establishment designated for the game of golf. Accessory uses include a pro shop, driving range and food service.

**Golf driving range** means an area of land whose purpose is to accommodate the practicing of golf shots and may include the land encompassed by netting or screening and may also include buildings, such as a club house or maintenance building as part of the use.

**Government building** – see “Public and institutional use”.

**Grade** means the average elevation of the ground or street surface.

**Grade point** means the point(s) on a site which are used to measure the maximum permitted height of a building or structure from grade. Where grade points have not been established as part of an approved comprehensive grading plan, the location of grade points shall be determined by a professional engineer or surveyor hired by the developer.

**Grain brokerage house** means a terminal comprised of elevators, conveyance systems, truck scales, offices, grain terminals, and bins used for the purpose of marketing grains, oilseeds, and specialty crops.

**Grain elevator** means a facility or inland grain terminal for the collection, grading, sorting, storage, and transshipment of grains.

**Grandfathered development** means a use of land or buildings having been in existence and/or operational prior to adoption of the present Land Use Bylaw and is lawfully allowed to exist in its present state even though it may not comply with the uses or standards allowed within the present Land Use Bylaw.

**Greenhouse** means a building specially designed and used for the growing of vegetables, flowers or other plants for sale.

**Gross floor area** means the sum of the areas of all floors of a building measured to the outside surface of the exterior walls or, where buildings are separated by firewalls, to the centre line of the common firewalls and includes all floors totally or partially above the finished ground surface.

**Grouped country residential development** means two or more contiguous country residential lots.

**Grouped country residential resort use** means two or more contiguous country residential lots developed in conjunction with an approved recreation use.

**Grouped noxious industry** means two or more contiguous noxious industries located in a designated area or district designed to accommodate these particular uses of land or buildings.

**Group home** means development using a dwelling unit for a provincially-approved residential social care facility providing rehabilitative and supportive care for four or more persons. A “Group home” may incorporate accommodation for resident staff as an accessory use.

**Guest** means an individual who occupies a dwelling unit which is not their residence.



**Guest house** means an attached or detached accessory building with no kitchen or cooking facilities used to house guests of the occupants of the principal building.

**Guest ranch** means a ranch or resort in an agricultural setting designed for vacationers offering primarily lodging, horseback riding and other activities typical of western ranches.

## H

**Habitable dwelling** – see “Permanent habitable dwelling”.

**Hay processing** means the use of land, buildings or structures for the production of hay into bales or pellets for sale as feed to domestic livestock.

**Hazard lands** means areas not suitable for subdivision and/or development due to geographic or locational constraints.

**Health care service** means development used for the provision of physical and mental health services on an outpatient basis, of a preventative, diagnostic treatment and/or therapeutic nature. Typical uses include medical and dental offices, health clinics, and chiropractic offices.

**Heavy industrial** means manufacturing, developing, creating, assembling and fabricating with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials used in the manufacturing process.

**Height of sign** – see Schedule 9.

**Helipad** means a designated area used for the take-off, landing, or parking of helicopters.

**Heliport** means a facility for the use of helicopters landing or taking off and includes development of passenger terminals, service, repair and storage facilities required for the purpose of operating a heliport in accordance with all applicable statutes and regulations.

**Highway, provincial** means highways outlined in the Memorandum of Agreement between Alberta Transportation and the Municipal District of Willow Creek No. 26 dated September 26, 2001, as amended.

**Highway commercial** means development along a major highway, providing goods and services to the travelling public. Typical highway commercial uses may include, but are not limited to, service stations, truck stops, motels, drive-ins and fast-food restaurants.

**Historical site** means a site or a building designated to be of historical significance by the Government of Canada or the Government of Alberta.

**Holiday trailer** or **travel trailer** means an accommodation unit designed to be transported on its own wheels designed or constructed to permit its use as a temporary dwelling for travel and recreation only.

**Holiday trailer park** means a parcel of land on which two or more holiday trailers are located.



**Home care service** means the provision of food, lodging and care of individuals conducted in a conventional single-family dwelling which has common cooking and washroom facilities.

**Home improvement center** means a facility where building materials, tools, domestic garden supplies, household accessories required for interior or exterior building renovations, and similar goods are stored, offered or kept for sale, including any outside storage yards.

**Home occupation** – see Schedule 10.

**Home occupation, major** – see Schedule 10.

**Home occupation, minor** – see Schedule 10.

**Horticulture** means the concentrated use of land or buildings for the raising of crops, plants or vegetables.

**Hospital** means a facility providing room, board, or surgical and other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, sanatoria, nursing homes, convalescent homes, isolation facilities, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

**Hostel** means a facility to provide temporary (not exceeding 30 days) accommodation for remuneration with a dormitory-style accommodation, communal kitchen and sanitary facilities and may include recreational facilities or services.

**Hotel** means a building used for sleeping accommodation and ancillary services provided in rooms which may contain bar/kitchen facilities. The building may also contain additional services such as parking facilities, restaurant or dining room, room service or public convention facilities.

**Household appliance repair service** means the provision of repair services to appliances found within the home.

## I

**Illumination** – see Schedule 9.

**Improvement** means any installation or physical change made to a property with a purpose of increasing its value, utility or beauty.

**Incineration facility** means any stationary or mobile technical unit and associated equipment dedicated to the thermal treatment of wastes with or without recovery of the combustion heat generated by the incineration.

**Industrial equipment sale and rental** means the sale or rental of equipment used in building, roadway, pipeline, oilfield and mining construction or agricultural production.





**Industrial manufacturing** means development used to manufacture, fabricate, process, assemble, produce or package goods or products, including but not limited to, administrative offices and warehousing and wholesale distribution uses.

**Institutional** means a use by or for an organization or society for public or social purpose, including but not limited to, senior citizen housing, nursing homes, day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

**Intensive agricultural operation** means any concentrated method used to raise crops or to rear or keep livestock, animals, poultry, fish or their products for market.

**Intensive horticultural operation or facility** means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes greenhouses, nurseries, hydroponics, aquaponics, market gardens, tree, mushroom and sod farms and such other uses the Municipal Planning Commission considers similar in nature and character to any one or all of these uses.

**Intensive livestock operation** means any land enclosed by buildings, shelters, fences, corrals or other structures which, in the opinion of the Municipal Planning Commission, is capable of confining, rearing, feeding, dairying or auctioning livestock, but excepting out wintering of a basic breeding herd of livestock. (See Schedule 16)

## K

**Kennel - Category 1** – see Schedule 13.

**Kennel - Category 2** – see Schedule 13.

## L

**Laboratory** means a facility for the purpose of scientific or technical research, investigations or experimentation.

**Landscaped area** means a portion of a site which is landscaped pursuant to a development permit, and excludes areas used for parking and driveways.

**Landscaping** means the modification and enhancement of a site or development through the use of the following:

- (a) natural landscaping consisting of vegetation such as trees, shrubs, hedges, grass and other ground cover;
- (b) hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt; and
- (c) excludes all areas utilized for driveways and parking.

**Land Use Bylaw** means the Municipal District of Willow Creek Land Use Bylaw.



**Lane** means a public thoroughfare which provides a secondary means of access to a lot or lots.

**Laundromat** means a self-serve facility for the cleaning of clothing or other fabric goods.

**Laundry** means a facility for the cleaning and pressing of clothing or other fabric goods.

**Light industrial/manufacturing** – see “Industrial manufacturing”.

**Liquor store** means a retail establishment licensed under provincial authority for the sale of beer, wine, or spirits for consumption off-premises.

**Livestock sales yard** means the use of land, buildings or structures designed for the holding of domestic livestock for purposes of sale or transfer by auction, consignment or resale.

**Loading space** means a portion of a lot or parcel designated or used by a vehicle while loading or unloading goods or materials into a building or used on a parcel or lot.

**Lodge** means a facility for tourists having a minimum of five (5) accommodation rooms and cooking facilities which are not located in the accommodation rooms and where there are no areas for public retail, public entertainment functions, meeting rooms and public convention rooms. Accessory uses may include rental cabins, accommodation for permanent staff and one or more beverage rooms, dining rooms, athletic and recreation facilities (indoor and outdoor) for use by the guests.

**Lot**, in accordance with the *Municipal Government Act*, means:

- (a) a quarter section;
- (b) a river lot shown on an official plan referred to in Section 32 of the *Surveys Act* filed in a land titles office;
- (c) a settlement lot shown on an official plan referred to in Section 32 of the *Surveys Act* filed in a land titles office;
- (d) a part of a parcel where the boundaries of the parcel are separately described in a certificate of title other than by reference to a legal subdivision; or
- (e) a part of a parcel where the boundaries of the parcel are described in a certificate of title by reference to a plan of subdivision.

**Lot area** means the area contained within the lot lines of a lot as shown on a plan of subdivision or described in a certificate of title.

**Lot, corner** means a lot located at the intersection of two or more streets.

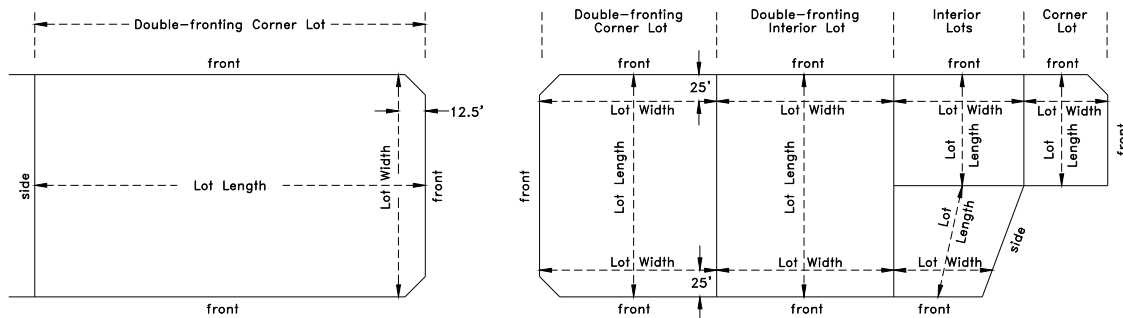
**Lot, double fronting** means a lot with two front property boundaries, where the front property boundaries are situated at opposite sides of the lot, as shown in Figure 17.2.

**Lot, interior** means a lot other than a corner lot as shown in Figure 17.2.

**Lot length** means the horizontal distance between the shortest or principal front property boundary and the opposite property boundary, measured along the median between the side property boundaries as shown in Figure 17.2.

**Lot width** means the horizontal distance between opposite side property boundaries measured at a point 7.62 m (25 feet) from the shorter or principal front property boundary as shown in Figure 17.2.

**Figure 17.2**



**Lumber yard** means the use of land or buildings where bulk supplies of lumber and other building materials are stored, offered or kept for retail sale and includes storage on the premises of such material.

**Luminaire** means a complete lighting system including lamp and fixture.

## M

**Machinery and equipment sales and repair** means the use of land or buildings for the display, sale, service and/or rental of machinery.

**Manufactured home** – see “Modular home”.

**Manure spreading** means the dispersing of animal or human waste on lands to capture the nutrient value to enhance crop production.

**Marina** means a series of connected docks which provides secure moorings, protection and service for boats and other watercraft.

**Market garden** means the growing of vegetables or fruit for commercial purposes. This use includes an area for the display and sale of goods or produce grown or raised on site.

**May** means an action is discretionary.

**Measurable standards** means the numerical values attributed to items listed in the land use districts and/or schedules of this land use bylaw. Measurable standards include, but are not limited to, heights, setbacks, parcel sizes, lot coverage, parking stall requirements, sign copy areas, animal units or densities.

**Mechanical and structural repair** means upgrading or maintenance of existing buildings or structures.



**Medical and dental office** means development providing medical and health care on an outpatient basis, including but not limited to, medical and dental offices, clinics, occupational health and safety offices, pharmacies, dispensaries, counselling services, chiropractic and naturopathic services and such other uses as the Municipal Planning Commission considers similar in character and nature to any of these uses.

**Minimum building setback** means the shortest distance between the wall of a building and a designated lot line.

**Minimum Distance Separation (MDS)** means the minimum distance calculated for separation between an intensive livestock operation or confined feeding operation and another use based on criteria established by the Natural Resources Conservation Board, the municipality or provincial regulation, used to minimize land use conflicts.

**Mobile home** means a prefabricated dwelling unit:

- (a) designed to be transported on its own frame and wheels, and placed on a foundation and connected to utilities is ready for occupancy; and
- (b) is subject to the current provincial building requirements.

The term mobile home includes “double-wide” and single-wide” mobile homes, but the term does not include motor homes, travel trailers, recreation vehicles and any similar vehicles not intended for permanent residential habitation or subject to the current provincial building requirements.

**Mobile home park** means a lot intended for two or more single-wide and/or double-wide mobile homes, where each mobile home site is not subdivided into a separately titled lot.

**Mobile home sales and service** means development for the sale, rental or storage of new and used mobile homes, and includes supplementary maintenance services and the sale of parts and accessories.

**Mobile home subdivision** means lands divided into lots where mobile or modular homes are placed on permanent foundations for human occupation.

**Modular home** means the construction of a building in prefabricated units at a factory which:

- (a) are assembled at the location away from the home site;
- (b) are transported from one point to another by being carried on a motor vehicle;
- (c) are not constructed on a frame capable of being equipped with wheels; and
- (d) are certified Alberta Safety Code compliant under CSA A277 and labelled accordingly.

**Modular home park** – see “Mobile home subdivision”.

**Modular home sales and service** means a commercial business where modular homes are sold and serviced.

**Motel** means development primarily providing temporary sleeping accommodation in rooms or suites, where each room or suite may contain kitchen facilities. Each room or suite in a motel has its own private exterior access and is provided with an adjoining or conveniently-located parking stall. A motel may include eating and drinking facilities, entertainment, convention, sports, recreation, personal service and retail facilities as accessory uses.



**Moved-in building** means a conventional, preconstructed, new or previously utilized, non-residential building which is physically removed from one site to another site and does not include mobile homes or residential structures.

**Multi-family dwelling** means a building containing three or more separate dwelling units.

**Municipal development plan** means a statutory plan, adopted by bylaw in accordance with Section 632 of the *Municipal Government Act*.

**Municipal Government Act (MGA)** means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended.

**Municipality** means the geographic area of The Municipal District of Willow Creek No. 26 in the Province of Alberta.

**Municipal Planning Commission (MPC)** means a committee appointed by Council to act as a development authority pursuant to Section 624(2) of the *Municipal Government Act* and in accordance with the municipality's Subdivision and Development Authority Bylaw.

**Municipal reserve** means the land specified to be municipal reserve by a subdivision authority pursuant to Section 666 of the *Municipal Government Act*.

**Municipal/school reserve** means the land specified to be municipal and school reserve by a subdivision authority pursuant to Section 666 of the *Municipal Government Act*.

**Museum** means a building or site used for the preservation, collection, restoration, display and/or demonstration of articles of historical significance and may include archival records of a geographic area or of a time period.

## N

**Natural resource extraction use** – see “Resource extraction use”.

**Natural Resources Conservation Board (NRCB)** means the board established by provincial statute to regulate confined feeding operations and associated uses in the Province of Alberta.

**Non-conforming building**, in accordance with Section 643 of the *Municipal Government Act*, means a building:

- (a) lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and
- (b) which on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw.



**Non-conforming use**, in accordance with the *Municipal Government Act*, means a lawful specific use:

- (a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw or any amendment thereof affecting the land or building becomes effective; and
- (b) on the date the land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.

**Noxious industry** means an industry which is hazardous, noxious, unsightly or offensive and cannot, therefore, be compatibly located in an urban environment. Examples include, but are not necessarily limited to: abattoirs, oil and gas plants, asphalt plants, sanitary landfill sites, sewage treatment plants or lagoons, auto wreckers or other such uses determined by the Municipal Planning Commission to be similar in nature.

**Noxious industry, grouped** means two or more contiguous noxious industries.

## O

**Office** means development to accommodate:

- (a) professional, managerial and consulting services;
- (b) the administrative centres of businesses, trades, contractors and other organizations; and
- (c) service-related businesses such as travel agents, insurance brokers, real estate agents.

**Off-street parking space** means a lot or parcel or portion thereof, excluding a public roadway, which is used or intended to be used as a parking area for motor vehicles.

**Orientation** means the arranging or facing of a building or structure with respect to the points of the compass.

**Outdoor athletic and recreational facility** means a facility available to the public for sports and active recreation conducted outdoors. Typical uses include golf courses, driving ranges, ski hills, ski jumps, sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, riding stables and fitness trails.

**Outdoor vehicle storage** means the outdoor storage of vehicles including automobiles, recreation vehicles and boats.

**Outside storage** means the open storage of goods, merchandise or equipment outside a building or on a vacant parcel.

**Owner** means the person or persons shown as the owner(s) of land on a Certificate of Title or on the assessment roll of a municipality.

## P

**Parcel**, in accordance with the *Municipal Government Act*, means the aggregate of the one or more areas of land described in a certificate of title by reference to a plan filed or registered in a land titles office.

**Parking facility** includes parking areas, parking spaces and parking structures which are defined as follows:

- (a) **Parking area** means a portion of land or a building or a combination of both, set aside for and capable of providing space for the parking of motor vehicles.
- (b) **Parking space** means a space set aside for and capable of being used for the parking of one motor vehicle.
- (c) **Parking structure** means a building or other structure designed for parking automobiles in tiers on a number of levels above each other whether above or below the ground.

**Passive recreation** means the use of land for a sport or hobby which does not require the provision of a structure, facility or expensive equipment to accommodate the activity. Such examples include, but are not limited to, hiking, jogging, swimming, site-seeing, bird watching, gardening, berry picking, cross country skiing, snowshoeing, or walking.

**Patio** means an outdoor area of a lot developed and used for leisure and/or recreation purposes.

**Permanent foundation** means a foundation installed to provide structural support for a building or structure, in accordance with Alberta Safety Codes.

**Permanent habitable dwelling** means a non temporary building or part of a building, intended to be used as a place of residence for humans, the condition of which allows for the inhabitants to live in reasonable comfort free of serious defects to health and safety and containing reasonable cooking, eating, living, sleeping and sanitary facilities.

**Permanent residence** – see “Developed residence”.

**Permitted use** means:

- (a) the one or more uses of land or buildings stated in Schedule 2 as permitted uses; and
- (b) uses which, in accordance with and subject to the *Municipal Government Act*, shall be issued a development permit with or without conditions (unless the use is exempted from requiring a development permit) if the proposed development conforms with this bylaw.

**Personal care service** means a development providing services for personal care and appearance; services for cleaning, altering and maintenance of personal effects and accessories. Personal service includes barber shops, beauty salons, tailors, diet centres, shoe repair shops, dry cleaners, upholstery and rug cleaners, laundromats, funeral homes and such other uses the Municipal Planning Commission considers similar to any one or all of these uses.

**Pet cemetery** means the use of land or buildings for the interment of deceased domestic animals.



**Place of worship** means a building dedicated to the undertaking of religious practices and activities and includes churches, chapels, temples, parish halls, synagogues, convents, seminaries, monasteries, rectories, or mosques and may include such accessory uses as offices for administration of the place of worship, parsonages, and parish houses.

**Planner** means the person or organization retained by the municipality to provide planning-related advice or services.

**Plan of subdivision** means a plan of survey prepared in accordance with the relevant provisions of the *Land Titles Act* for the purpose of effecting subdivision.

**Playground** – see “Public park or recreation use”.

**Post office** means a government approved facility charged with regulating and handling the transmission of mail or parcels.

**Primary access** means the location and manner of the principal means of vehicular access and egress from a site or building.

**Primary residence** means the principal dwelling unit located on a titled piece of land.

**Principal building** means a building which:

- (a) is the main building on a lot; or
- (b) by reason of its use, is the primary purpose for which the lot is used.

**Principal use** means the main purpose for which a lot, parcel, or building is used or intended to be used.

**Printing establishment, commercial** means a retail business providing photocopying and/or commercial printing and retail services.

**Printing establishment, industrial** means a facility providing non-retail commercial, industrial printing and publishing services normally using automated, web-type presses or full colour process printing.

**Private** means the use of land or buildings intended for or restricted to the use of a particular person or group or class of persons which is not freely available to the general public.

**Private club** means a facility, not open to the general public, for the meeting, social or recreational activities of members of philanthropic, social services, athletic, business or service organizations, without on-site residences. Private clubs may include rooms for eating, drinking and assembly.

**Private riding arena and rodeo grounds** means infrastructure used by family and guests having no commercial use or monetary charges for use and is limited by invitation.

**Private rifle range** means a rifle range used by family and guests having no commercial use or monetary charges for use and is limited by invitation.





**Private utility** means the provision, distribution, collection, transmission or disposal of water, sewage, garbage, oil, gas, power, information, telecommunications, telephone or generation of electricity provided by an entity which is not under public, provincial or municipal franchise or ownership which provides the public or business with a particular utility or service.

**Prohibited use** means one or more uses of land or buildings described in a land use district as prohibited uses.

**Property line** means any legal surveyed boundary of a parcel.

**Provincial Land Use Policies** means policies established by order of the Lieutenant Governor pursuant to Section 622 of the *Municipal Government Act* in areas of the province which do not have a Regional Plan.

**Public** means the use of land or buildings belonging or open to, enjoyed and used by and/or maintained for the public generally, but not limited to a facility the control of which is wholly or partially exercised by some level of government.

**Public and private institutional use** means a use of land or buildings for an organization, individuals or society for public or social purposes and includes the following:

- (a) a school or educational facility whether public or private;
- (b) churches or places of worship;
- (c) medical facilities which provide both in-patient and out-patient services, including hospitals, nursing homes and sanatoriums;
- (d) government and municipal offices, libraries and similar developments;
- (e) protective services, including fire halls, police stations and ambulance services;
- (f) cemeteries; and
- (g) such other uses as the Municipal Planning Commission considers similar in nature and character to any one of these.

**Public and private recreation use** means a public or private park, playground, recreation area, including but not limited to hiking, biking, snow sledding, skiing, all-terrain vehicle (ATV), and/or walking trail, indoor or outdoor rink, gymnasium, sportsfield, campground, historic or archaeological site or any similar facility or use of land or buildings provided the park, playground, recreation area or similar facility is owned and/or administered by any level of government, a private organization, association or society or private individual.

**Public area** means any outdoor place to which the public has access, including but not limited to rights-of-way, highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the outdoor common areas of public buildings and facilities.

**Public building** means a facility owned or operated by or for the municipality, the provincial government, the federal government, or a corporation which is an agent of the Crown under federal or provincial statute for the purpose of furnishing services or commodities to or for the use of the inhabitants of the municipality.



**Public day use area** means an area open to the general public for temporary resting and relaxing and the use typically consists of off-street parking areas, refuse containers, benches and public washrooms. It may also include an area for low impact recreational activities such as walking, hiking, overlooks and wildlife viewing points, swimming or fishing areas, but does not allow for camping or overnight stays on the premises.

**Public/institutional** means uses, areas or facilities such as, but not necessarily limited to: churches, schools, community halls, cemeteries, weigh scales, government agricultural research stations, public utility facilities and structures.

**Public open space** means land which is not in private ownership and is open to use by the public.

**Public park or recreation use** means a public park, playground, recreation area, indoor or outdoor rink, gymnasium, sportsfield, campground, historic or archaeological site or any similar facility or use of land or buildings provided the park, playground, recreation area or similar facility is owned and/or administered by any level of government.

**Public picnic area** means the use of land or a shelter which is accessible or visible to all members of the community or public where they may temporarily partake in sitting in the open air/natural environment to consume food or beverages carried by themselves, and typically includes structures such as picnic tables, shelters, benches and refuse containers on the site.

**Public place** means any location in the municipality for public use and includes streets, lanes, boulevards, sidewalks, parks, campgrounds, squares or rights-of-way.

**Public roadway** means, in a city, town, new town, village or summer village, the right-of-way of all or any of the following:

- (a) a local road,
- (b) a service road,
- (c) a street,
- (d) an avenue, or
- (e) a lane.

**Public thoroughfare** means any pathway, sidewalk, bridge, lane, service road, local street, collector street, arterial street, or highway.

**Public use** means government-owned facilities to which the public has access such as public parks, schools, school administrative buildings, recreational, cultural, and service buildings, but not including public land or buildings devoted solely to the storage and maintenance of equipment and material or the disposal of refuse.

**Public utility** means the right-of-way for one or more of the following:

- (a) telecommunications systems;
- (b) waterworks systems;
- (c) sewage systems;

- (d) heating systems;
- (e) systems for the distribution of gas, whether natural or artificial;
- (f) systems for the distribution of artificial light or electric power;
- (g) water management projects;
- (h) wind energy conversion systems (WECS); and
- (i) solar energy systems and alternative/renewable energy.

## Q

**Qualified professional** means a professional educated in their field of practice or study and whom can demonstrate appropriate knowledge, expertise and abilities and one who practices the principle of professional accountability (architect, landscape architect, land use planner, municipal planner, biologist, civil engineer, geotechnical engineer, municipal engineer, Alberta Land Surveyor, agrologist, geoscientist, hydrologist). A qualified professional can be described as an expert with specialized knowledge in field which one is practicing professionally and practices a high standard of professional ethics, behaviour and work activities while carrying out one's profession.

**Qualified professional, wetlands** means a person recognized and registered with the province as a Qualified Wetland Science Practitioner (QWSP) who is a person with experience and training in the applicable field. Typically a qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geology or related field, and a minimum of two years of related work experience.

**Quarter section** means a titled area of approximately 64.75 ha (160 acres).

## R

**Railway** means any use connected with the direct operation of a railway system.

**Ready-to-move home** means a home or modular home built off-site in a manufacturer's yard, or construction site, ready for immediate occupancy once it has been placed on a foundation on an approved building site, with services connected, and completion of a final inspection.

**Ready-to-move structure** means a structure, other than a home, such as a barn, granary, garage, shed, machine shop, built off-site or moved from an existing site to another.

**Real property report (RPR)** means a legal document illustrating in detail the location of all relevant, visible public and private improvements relative to property boundaries.

**Rear lane** means service access, generally for vehicular traffic at the rear of properties.

**Recreational facilities** means buildings or structures associated with accommodating recreational uses which require physical alteration to the area in which they are performed, or those facilities used exclusively for the preparation, maintenance, and storage of equipment used in recreational activities



such as swing sets and slides, sandboxes, poles for nets, picnic tables, benches, barbecue stands, and similar equipment or structures.

**Recreational vehicle park** – see “Campground, private”.

**Recreational vehicle sales and rentals** means a facility for the retail sale or rental of new or used motorcycles, snowmobiles, tent trailers, boats, travel trailers or similar recreational vehicles, bicycles, and skis and may include incidental maintenance services and sale of parts.

**Recreational vehicle sanitary pump out site** means a facility for the disposal of wastes from recreational vehicles.

**Recreational vehicle storage** means a fenced compound used for the parking, wintering, or storing of trailers, motor homes, boats, quads or recreational vehicles licensed under the *Motor Vehicles Administration Act* for a specified fee paid to the owner or proprietor of the property.

**Recycling facility** means the use of land or buildings for the purchasing, receiving or temporary storage of discarded articles, provided the use does not generate a detrimental effect or nuisance beyond the boundaries of the lot or site on which it is situated. A recycling facility may involve supplementary production of by-products or materials and includes bottle, can and paper recycling depots.

**Redesignation “redesignate”, “redistrict”, or “rezone”** means changing the existing land use district on the official Land Use Districts Map in the Land Use Bylaw.

**Regionally sensitive areas** means lands within the municipality which are or may be environmentally sensitive including but not limited to:

- (a) a swamp;
- (b) a gully, ravine or coulee;
- (c) an escarpment;
- (d) a natural drainage course;
- (e) riparian lands adjacent to the beds and shores of rivers, streams, creeks, water bodies, or natural drainage courses;
- (f) wetlands;
- (g) lands subject to flooding, including flood risk areas, floodways, and flood fringe;
- (h) unstable lands;
- (i) contaminated lands;
- (j) a public park;
- (k) a designated historic or archaeological site;
- (l) an environmentally significant area; or
- (m) a forest reserve.

**Regional Plan** means the South Saskatchewan Regional Plan.



**Registered owner** means:

- (a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
- (b) in the case of any other land:
  - (i) the purchaser of the fee simple estate in the land under an agreement for sale which is the subject of a caveat registered against the certificate of title in the land, and any assignee of the purchaser's interest the subject of a caveat registered against the certificate of title; or
  - (ii) in the absence of a person described in paragraph (i), the person registered under the *Land Titles Act* as the owner of the fee simple estate in the land.

**Religious assembly** – see “Church”.

**Religious institution** – see “Churches” or “Place of worship”.

**Reserve land** means environmental reserve, municipal reserve or school reserve or municipal and school reserve.

**Residential** means the use of land or buildings for the purpose of domestic habitation on a continual, periodic or seasonal basis.

**Residential accommodation in conjunction with an approved use** means the construction or placement of a dwelling unit which is incidental or accessory in nature to the principal use or activity on the subject lands.

**Residential streets** means streets whose primary function is to allow access to residential lots.

**Resort** means a development offering recreational, educational, cultural, convention and conference facilities, together with visitor accommodation, in a location chosen for the unique qualities and attributes of its natural physical setting. Appropriate uses within a resort may include, but are not limited to: visitor accommodation, private residences, convention and conference facilities, indoor and outdoor recreation facilities, retail and personal service facilities and other uses suitable to the location.

**Resort accommodation** means a facility for visitors to a resort, which may be in the form of visitor accommodation, apartment hotels, lodges, campground or other forms of tourist accommodation.

**Resource extraction uses** means uses of land or buildings which are governed by the location of a natural resource and involve the extraction or on-site processing and/or storage of a natural resource. Resource extraction uses include, but are not limited to the following:

- (a) cement and concrete batching plants;
- (b) sand and gravel operations;
- (c) logging and forestry operations, including sawmills; and
- (d) such other uses as established by the Municipal Planning Commission to be similar to any one or all of the above uses.

**Resource processing activity** means the extraction or refining of natural resources including fossil fuels, minerals, timber, or sand and gravel on a commercial basis.



**Restaurant** means development where food and beverages are prepared and served and may include alcoholic beverage service and on- or off-premises catering services. This term includes restaurants, cafes, lunch and tea rooms, ice cream parlours, banquet facilities, take-out restaurants and such other similar uses.

**Retail** means premises where goods, merchandise, and personal services are offered for sale at retail to the public.

**Retail store** means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale.

**Riding arena** means either an indoor or outdoor establishment where horses are boarded and cared for, and where instruction in riding, jumping and showing is offered, and where horses may be hired for riding.

**Riding stable** means a compound designed with stalls for the housing, bedding or confinement of riding stock.

**Rifle range** means an authorized indoor and/or outdoor area designed for the purpose of controlled discharge of firearms including long guns and hand guns.

**Riparian area** means land comprised of the vegetative and wildlife areas strongly influenced by water adjacent to streams, shorelines and wetlands delineated by the existence of plant species normally found near fresh water.

**Rodeo grounds** means infrastructure, including but not limited to, corrals, grandstands, stables, arenas, parking and concession booths.

**Rowhouse dwelling or townhouse** means a residential building containing three or more dwelling units, where each dwelling unit is joined in whole or in part at the side and where no dwelling unit is located in whole or in part above another dwelling unit. Each dwelling unit in a rowhouse is separated from the abutting dwelling unit by a wall, extending from the foundation to the roof, and each dwelling unit is provided with its own direct access from grade.

**Rural agri industry** means the use of land, buildings and/or structures for the purpose of harvesting, refining, storing, processing, extracting, distributing, fuelling, selling and/or any other activity associated with the enhancement of agricultural production or by-products.

**Rural industry** means the use of land, buildings or structures for the manufacturing, processing, refining, storage, packaging and distribution of agricultural related products where the activities undertaken are not compatible with an urban environment.

**Rural recreation** means the use of land, buildings or structures for the provision of recreational activities, pursuits or opportunities in a rural setting.

## S

**Salvage or waste disposal facility** means development for purchasing, receiving or transporting of spent materials or substances which may generate a detrimental impact or nuisance beyond the boundaries of the lot or parcel on which it is situated. This term includes uses such as autowreckers, salvage and scrap yards, garbage container services, effluence tanker services and such other uses as the Municipal Planning Commission considers similar in character and nature to any one or all of these uses.

**Satellite equipment** means an antenna, dish and receiver designed to receive and broadcast signals.

**School** means a place of instruction offering courses of study. Included in the category are public, private, and separate schools.

**School, commercial** means a place of instruction operated for profit.

**School, post-secondary** means a public or private educational establishment providing academic, professional, trade, craft or other educational curriculum to post-secondary students.

**School, private** means a school, other than a school operated by a School Board under the *School Act*, providing grade and secondary school instruction to pupils through courses prescribed or approved by the Minister of Education.

**School, public or separate** means a place of instruction operated with public funds pursuant to the *School Act*.

**Scrap yard** means a facility where materials are stored temporarily on the site for reprocessing into scrap materials for sale or where useable parts for used goods, equipment or vehicles are sold.

**Screening** means a fence, wall, berm or hedge used to visually separate areas or functions which detract from the urban street or neighbouring land uses.

**Sea can** means a structure or a shipping container normally used to transport goods by semi-truck and loaded on and off sea vessels, but for the purpose of this bylaw, serves as a storage unit on dry land.

**Sea can storage** means the use of a shipping container for the sole purpose of storing farm equipment and/or personal goods.

**Seasonal occupancy** means the habitation or use of land, buildings or structures which coincides with the weather seasons prevailing in a particular area or region.

**Secondary residence** means the second residence placed, located or constructed on the same parcel as the primary residence.

**Seed cleaning plant** means a building or facility used for the storage and preparation of seed used in agriculture.

**Semi-detached dwelling** – see “Duplex”.



**Senior citizen housing** means development, including lodges, which is used as a residence for elderly individuals not requiring constant or intensive medical care.

**Service club** – see “Private club”.

**Service station** means premises or the portion thereof used or intended to be used for the servicing and repairing of motor vehicles and for the sale of gasoline, lubricants and accessories for motor vehicles.

**Setback** means the distance required between a building, development or use from a property line facing a street or other property line.

**Shall** means the action is mandatory.

**Shipping container / sea can** means a container used for transport of goods by means of rail, truck or sea. These containers are rectangular in shape and are generally made of metal.

**Shopping mall** means a unified concentration of retail stores and service establishments in a suburban area with generous parking space, planned to serve a community or neighbourhood.

**Shrub** means a single or multi-stemmed woody plant typically under five (5) metres at maturity.

**Sign** has the same meaning as it has in the sign standards in Schedule 9 of this bylaw.

**Similar use** means a use which is not specifically considered in a land use district but, in the opinion of the Municipal Planning Commission, is similar in character and purpose to another use identified as permitted or discretionary in the land use district. The Municipal Planning Commission:

- (a) may determine the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and
- (b) may determine a development permit be issued in accordance with this bylaw.

**Single family dwelling** means a freestanding residential dwelling, other than a mobile home, not forming part of and not physically attached to any other dwelling or structure.

**Single lot commercial** means a lot specifically zoned to facilitate a commercial entity not considered a home occupation.

**Single-wide mobile home** means a mobile home which is:

- (a) not greater than 4.88 m (16 feet) in width; and
- (b) permanently fixed to a single chassis.

**Ski resort** – see “Resort”.

**Sod farm** means the commercial growing of sod through seeding and stripping of topsoil to sell the final product for soil coverage and landscaping.

**Solar energy system** means the use of land or buildings for the conversion of the sun’s rays to thermal, electrical or mechanical energy.





**Souvenir shop** means a retail store which sells various souvenirs and mementos and generally caters to the shopping needs of visitors.

**Sports club** means a use of land and/or buildings for a private organization, association, society, or private individual for public or private use, including but not limited to, a drift track, the sport of drifting, tuning cars, BMX track, go-kart track, skate park or such other uses.

**Statutory plan** means a municipal development plan, area structure plan or area redevelopment plan adopted under the *Municipal Government Act*.

**Stop order** means an order issued by the Municipal Planning Commission pursuant to Section 645 of the *Municipal Government Act*.

**Storey** means the portion of a building situated between the top of any floor and the top of the next floor above it or, if there is no floor above it, the ceiling above it.

**Street** means a public thoroughfare affording the principal means of access to abutting parcels, and includes the sidewalks and the land on each side of and contiguous with the prepared surface of the thoroughfare and owned by the municipality.

**Structural alteration** means a repair or alteration to the supporting members or fabric of a building which tends to either substantially prolong its use or alter its character.

**Subdivision** means the division of a parcel by an instrument.

**Subdivision and Development Appeal Board** means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development.

**Subdivision and Development Regulation** means regulations established by order of the Lieutenant Governor in Council pursuant to Section 694 of the *Municipal Government Act*.

**Subdivision approval** means the approval of a subdivision by a subdivision approving authority.

**Subdivision Authority** means the person or body empowered to approve a subdivision.

**Subsequent residence** means the placement, location or construction of one or more dwelling units on a parcel of land which has two residences in existence.

**Surveillance suite** means a dwelling unit or sleeping unit developed in conjunction with a principal use so the dwelling is a supplementary use to the principal use, and is used solely to accommodate a person or persons, whose function is to provide surveillance, maintenance and/or security for a development.

## T

**Take-out service** means the sale of food or beverages in a form ready for consumption from a restaurant.

**Taxidermist** means an individual engaged in the art of preparing life-like representations of animals by stuffing the skin or fashioning a wooden or plaster model on which the skin of the specimen is mounted or moulded.

**Taxi service** means a business established to provide chauffeur-driven automobile transportation available on call to carry a passenger between two points for a fare determined by a taximeter or flat rate.

**Temporary foundation** means the placement, construction or erection of a building or structure on a base constructed of materials other than concrete or steel such as pilings, blocks, skids, wood, gravel, stilts or drums.

**Temporary occupancy** means the habitation or use of land, buildings or structures for a defined or finite period of time limited to a consecutive number of days, weeks or months during a calendar year.

**Temporary storage yard** means development used exclusively for temporary outside storage of goods and materials where such storage of goods and materials does not involve the erection of permanent structures or the material alteration of the existing state of the land. Typical uses include storage yards for construction vehicles, equipment and materials or recreation vehicles.

**Temporary structure** means a structure without any foundation or footings which is removed when the designated time period has elapsed.

**Temporary use** means a use which is not to become permanent.

**Theatre** means a building or structure designed for the showing of motion pictures or to accommodate a company of performers for the showing of plays or dances.

**Tourist home** means a dwelling unit operated as an accommodation unit, occupied by a guest(s) for a period of less than 28 days.

**Tower** means a vertical structure used to support, telecommunication, navigational, microwave, power generation, telephone, transmission, cellular or directional devices.

**Townhouse** means a single building comprised of three or more dwelling units separated from each other by walls extending from foundation to roof, with each dwelling unit having a separate, direct, at grade entrance. This includes all row, linked, patio, garden court or other housing which meet these criteria.

**Townhouse, stacked** means a multiple dwelling comprised of three or more dwelling units and constructed where one or more dwelling units are located totally or partially above another dwelling unit, and each having a separate, direct entrance from grade or a landscaped area.



**Transportation systems** means one or more networks of transportation links, services and facilities which collectively are of federal, provincial or municipal importance which include highways, railways, bicycle or pedestrian systems.

**Travel agency** means an office or enterprise engaged in the selling, arranging or furnishing of information regarding personal transportation or travel.

**Triplex** means a single building comprised of three dwelling units, each unit having a separate, direct entrance from grade or a landscaped area.

**Truck repair and servicing** means a facility for the servicing and repair primarily of licensed motor vehicles.

**Truck sales and rental** means a commercial venture selling or renting trucks of various sizes, including but not limited to, passenger trucks, vans, cube vans, 3 and 5 ton trucks, semi-trucks, picker trucks, concrete trucks and crane trucks.

**Truck stop** means a service station which caters to large commercial vehicles such as semi-trailer trucks as well as intermediate-sized vehicles and passenger vehicles. The use “Truck stop” includes a restaurant, card lock, retail sales, vehicle towing services, and similar uses incidental to the operation of the truck stop.

**Truck transport depot** means a centralized area for the dispatching, parking, loading, unloading, storage or servicing of commercial trucks engaged in the business of transporting goods and materials to specified destinations.

**Truck wash** means a building or structure used for the commercial cleaning of large trucks, semi’s and their trailers, agricultural equipment and vehicles but does not allow for the off-loading of human, animal or noxious or hazardous waste.

## U

**Unsubdivided quarter section** means a titled area of 64.75 ha (160 acres) more or less, but excluding road widenings, previous subdivision for school sites and other public uses.

**Urban fringe** means a specified rural land use district immediately adjacent to the corporate limits of a city, town or village where certain land uses are either allowed or prohibited to protect the land use interests agreed to by both jurisdictions.

**Urban municipality** means the area of a town or village.

**Utility** means one or more of the following:

- (a) system for the distribution of natural gas;
- (b) facility for the storage, transmission, treatment, distribution or supply of water or electricity;
- (c) facility for the collection, treatment, movement or disposal of sanitary sewage;
- (d) storm sewage drainage facility; or



(e) any other things prescribed by the Lieutenant Governor in Council by regulation; but does not include those systems or facilities referred to in subclauses (a) to (d) which are exempted by the Lieutenant Governor in Council in the Exemption Regulation.

## V

**Vegetation management** means the manipulation of plant material for purposes of controlling wildfires or diseases.

**Vehicle sales and rental** means a use of land or buildings for the sale of automobiles, vans, motorcycles, snowmobiles, tent and holiday trailers, boats and other recreational vehicles and craft and trucks with a tare weight. This use includes supplementary vehicle maintenance and cleaning, sale of parts and accessories and dispensing of motor fuel.

**Vehicle service and repair** means a facility for the repair and servicing of motor vehicles, including but not limited to, mufflers, oil changes, transmissions, engine replacement, autobody and glass repair.

**Veterinary clinic** means a facility for the care of animals, including but not limited to, a building, outdoor pens, runs or enclosures.

## W

**Waiver** means the relaxation or variance of a development standard established in the Land Use Bylaw. For the purpose of this bylaw, only the Municipal Planning Commission or, on appeal, the Subdivision and Development Appeal Board can waive measurable standards of the Land Use Bylaw.

**Warehouse** means a building used for the indoor storage of goods and merchandise.

**Warehouse store** means a facility for the wholesale or retail sale of goods from within an enclosed building where the warehouse or storage component occupies at least 50 percent of the gross floor area and retail uses occupy 50 percent or less of the gross floor area. Typical uses include furniture, carpet and appliance warehouses.

**Warehousing** means the use of a building for the storage of materials, products, goods and merchandise.

**Welding shop** means a business engaged in the fabrication, assembly or repair of machinery or equipment by welding.

**Wetland** means areas inundated and saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation adapted for life in saturated soil condition including swamps, marshes and bogs.

**Wildland Urban Interface (WUI)** means an identified area where residential, industrial or agricultural developments are located within or near wildland settings with natural vegetation, at risk from wildfire.

**Wildlife corridor** means an area which provides or is designed to provide connectivity between areas of wildlife habitat.

**Wind energy conversion system (WECS)** means a system consisting of subcomponents which converts wind energy to electrical energy using rotors, tower and a storage system.

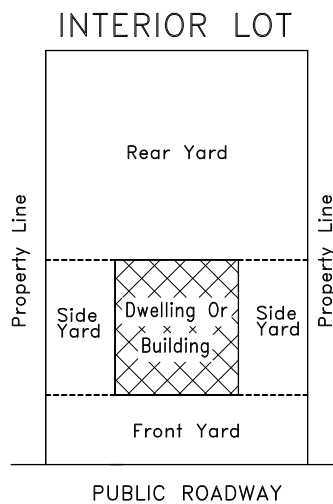
**Workshop** means an establishment where manufacturing, arts or crafts are carried on by an individual.

## Y

**Yard** means the minimum required open space, on a site, lying between the principal and accessory building or structure and the nearest lot line.

**Yard, front** means a yard extending across the full width of the site and measured, as to depth, at the least horizontal distance between the front street line and the nearest projection of the principal building as shown in Figure 17.3.

**Figure 17.3**



**Yard, rear** means a yard which extends the full width of a site and measured, as to depth, at the least horizontal distance between the rear property line and the nearest projection of any building as shown in Figure 17.3.

**Yard, side** means a yard extending from the front yard to the rear yard, and measured as to width at the least horizontal distance between the side property line or side street line and the nearest projection of any building as shown in Figure 17.3.



Schedule 18

**LAND USE DISTRICTS MAPS**

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**APPENDIX A**

**SUBDIVISION AND DEVELOPMENT  
AUTHORITY BYLAW NO. 1773**

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**Bylaw No. 1773**

1. Being a bylaw of The Municipal District of Willow Creek No. 26 in the Province of Alberta, to establish a municipal Subdivision and Development Authority;

AND WHEREAS, the Municipal Government Act Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time requires the municipality to adopt a bylaw to establish a municipal Subdivision and Development Authority;

AND WHEREAS, the Subdivision and Development Authority is authorized to make decisions on development applications in accordance with the administrative procedures, land uses and schedules established in the municipal land use bylaw;

AND WHEREAS, this bylaw may be cited as The Municipal District of Willow Creek No. 26 Subdivision and Development Authority Bylaw;

NOW THEREFORE, the Council of The Municipal District of Willow Creek No. 26 in the Province of Alberta duly assembled, enacts as follows:

2. DEFINITIONS:

- (a) "Act" means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* as amended from time to time.
- (b) "Council" means the Municipal Council of the Municipal District of Willow Creek No. 26.
- (c) "Designated officer" means a person or persons authorized to act as the designated officer for the municipality.
- (d) "Member" means a member of the Subdivision and Development Authority.
- (e) "Municipal Planning Commission" means the Subdivision and Development Authority of The Municipal District of Willow Creek No. 26 established by this bylaw.
- (f) "Municipality" means The Municipal District of Willow Creek No. 26 in the Province of Alberta.
- (g) "Subdivision and Development Authority" means the person or persons appointed to exercise powers and perform duties specified in:
  - (i) the *Municipal Government Act*; and
  - (ii) The Municipal District of Willow Creek No. 26 Municipal Development Plan and Land Use Bylaw.

3. For the purpose of this bylaw, the Subdivision and Development Authority shall be the Municipal Planning Commission, except where the designated officer may be the Subdivision and Development Authority in accordance with the land use bylaw.

4. The Subdivision and Development Authority shall be composed of seven members who are elected officials of the Municipality.
5. Appointments to the Subdivision and Development Authority shall be made by resolution of Council.
6. Appointments to the Subdivision and Development Authority shall be made for a term of one year.
7. The members of the Subdivision and Development Authority shall elect a chairman, and a vice-chairman to hold office for a term of one year.
8. Members of the Subdivision and Development Authority shall be entitled to remuneration, travelling and expenses as may be fixed by Council, from time to time.
9. The Subdivision and Development Authority shall hold regular meetings on dates to be determined by Council with the exception of special meetings which are called by the Chairman or Vice Chairman of the Municipal Planning Commission.
10. Four of the members of the Subdivision and Development Authority shall constitute a quorum.
11. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the entire Subdivision and Development Authority.
12. The Subdivision and Development Authority shall approve or deny development applications with or without conditions.
13. The Subdivision and Development Authority shall conduct its hearings in accordance with the municipality's procedural bylaw and Section 197 of the *Municipal Government Act*.
14. Members of the Subdivision and Development Authority shall not be members of the Subdivision and Development Appeal Board.
15. The CAO and/or his/her designate shall attend all meetings of the Subdivision and Development Authority and shall keep the following records:
  - (a) the minutes of meetings;
  - (b) all applications;
  - (c) records of notices of decision and persons the notice was sent to;
  - (d) copies of written representations to the Subdivision and Development Authority;
  - (e) the names and address of those making representation at the meeting;
  - (f) the decision of the Subdivision and Development Authority;
  - (g) the reasons for the decision of the Subdivision and Development Authority;
  - (h) the results of a vote by the Subdivision and Development Authority on the decision, as to whether it has been carried or defeated;
  - (i) notices, decisions and orders appealed to the Subdivision and Development Appeal Board; and
  - (j) other matters directed by the Subdivision and Development Authority.

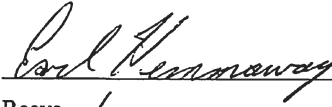
BYLAW No. 1773 (cont:)

17. Upon the passing of this bylaw, Bylaw No. 1485 is hereby repealed.

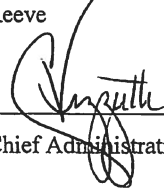
Received a first reading this 9th day of August, 2017.

Received a second reading this 9th day of August, 2017.

Received a third and final reading and finally passed this 9th day of August, 2017.



Reeve



Chief Administrative Officer





**APPENDIX B**

**SUBDIVISION AND DEVELOPMENT  
APPEAL BOARD BYLAW NO. 1741**

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**MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**  
**IN THE PROVINCE OF ALBERTA**  
**SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW NO. 1741**

1. BEING a bylaw of the Municipal District of Willow Creek No. 26 in the Province of Alberta, to establish a municipal Subdivision and Development Appeal Board;  
  
AND WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended from time to time requires the Municipality to adopt a bylaw to establish a municipal Subdivision and Development Appeal Board;  
  
AND WHEREAS, the Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of the Subdivision and Development Authority or the Development Authority in accordance with provincial land use policies, the subdivision and development regulations, the Municipality's land use bylaw and statutory plans;  
  
AND WHEREAS, this bylaw may be cited as the Municipal District of Willow Creek No. 26 Subdivision and Development Appeal Board Bylaw;  
  
NOW THEREFORE, the Council of the Municipal District of Willow Creek No. 26 in the Province of Alberta duly assembled enacts as follows:
  2. **DEFINITIONS:**
    - (a) "Act" means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 as amended from time to time.
    - (b) "Council" means the Council of the Municipal District of Willow Creek No. 26.
    - (c) "Development Authority" means the person or persons appointed pursuant to the Subdivision and Development Authority Bylaw.
    - (d) "Land Use Bylaw" means Land Use Bylaw No. 1616 as amended.
    - (e) "Member" means a member of the Subdivision and Development Appeal Board.
    - (f) "Municipality" means the Municipal District of Willow Creek No. 26 in the Province of Alberta.
    - (g) "Secretary" means the person or persons authorized to act as secretary of the Subdivision and Development Appeal Board.
    - (h) "Subdivision and Development Appeal Board" means the tribunal established to act as the municipal appeal body.
    - (i) "Subdivision Authority" means the Subdivision Authority as established pursuant to the Subdivision and Development Authority Bylaw No. 1485
    - (j) All other terms used in this bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.
  3. For the purpose of this bylaw, the Subdivision and Development Appeal Board shall be composed of not more than seven (7) persons who are adult residents within the geographical boundaries of the Municipality.
  4. The seven (7) persons shall serve as follows:
    - a) an appointed Chairman;
    - b) an appointed Vice Chairman;
    - c) and the remaining 5 persons shall serve on Subdivision and Appeal Board Hearings on a rotational



basis, provided that those members sitting for a hearing shall be present for its entirety and shall be the members who make the decision regarding that hearing; and

- d) the maximum number of Members sitting for an individual hearing, including the Chairman and/or Vice-Chairman, shall be five (5);
- e) Three of the members of the Subdivision and Development Appeal Board shall constitute a quorum.

5. Appointments to the Subdivision and Development Appeal Board shall be made by resolution of Council, at their organization meeting held each year, or in the event of a mid-term vacancy, at a regular meeting of Council.

6. Appointments to the Subdivision and Development Appeal Board shall be made for a term of one year, or until the next organizational meeting of Council, whichever comes first.

7. Upon convening the first time after an organizational meeting of Council has taken place, the members of the Subdivision and Development Appeal Board shall elect a member as Chairman, and a member as Vice-Chairman to hold office for a term of one year from the date of election.

8. Each member of the Subdivision and Development Appeal Board shall be entitled to such remuneration, traveling, and living expenses as may be determined from time to time by Council; and the remuneration, traveling, and living expenses shall be paid by the Municipality.

9. Council shall, by resolution, appoint a Secretary who shall attend all meetings of the Subdivision and Development Appeal Board, but shall not vote on any matter before the Subdivision and Development Appeal Board.

10. The Subdivision and Development Appeal Board shall hold meetings as required pursuant to the Act on a date determined by the Subdivision and Development Appeal Board, and it may also hold special meetings at any time at the call of the chairman or vice-chairman.

11. The decision of the majority of the members present at a meeting shall be deemed to be the decision of the whole Subdivision and Development Appeal Board.

12. The Subdivision and Development Appeal Board may issue its orders, decisions, development permits, and subdivision approvals with or without conditions.

13. The Subdivision and Development Appeal Board shall make rules to govern its hearings.

14. Members of the Subdivision and Development Appeal Board shall not be members of the Subdivision and Development Authority.

15. If a Member misses three (3) consecutive meetings without the authorization of the Board, the person is disqualified and the position becomes vacant;

16. Council may remove a member from the Subdivision and Development Appeal Board by resolution of Council.

17. When a person ceases to be a member of the Subdivision and Development Appeal Board before the expiration of his/her term Council shall, by resolution, appoint another person for the unexpired portion of that term.
18. The secretary of the Subdivision and Development Appeal Board shall attend all meetings of the Subdivision and Development Appeal Board and shall keep the following records with respect thereto:
- (a) the minutes of the meetings;
  - (b) all applications;
  - (c) records of notices of meetings and of persons to whom they were sent;
  - (d) copies of written presentations to the Subdivision and Development Appeal Board;
  - (e) notes regarding presentations;
  - (f) the names and address of those making representations at the meeting;
  - (g) the decision of the Subdivision and Development Appeal Board;
  - (h) the reasons for the decision of the Subdivision and Development Appeal Board;
  - (i) the result of the vote of the Subdivision and Development Appeal Board on the decision;
  - (j) records of notices of decision and of persons to whom they were sent;
  - (k) notices, decisions, and orders made on appeal from the decision of the Subdivision and Development Appeal Board; and
  - (l) any other matter the Subdivision and Development Appeal Board may direct.

19. A development appeal filed with the Secretary of the Subdivision and Development Appeal Board shall be accompanied by the fee specified in the Schedule of Fees set by Council or provided for in the Land Use Bylaw.

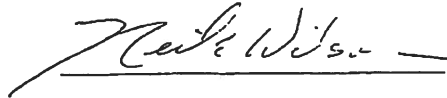
20. This bylaw comes into effect upon third and final reading thereof.

21. Bylaw No. 1486, and amendments thereto, are hereby rescinded.

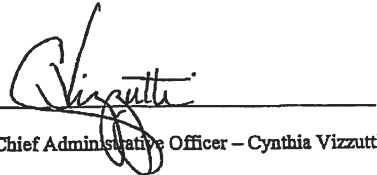
Received a first reading this 27th day of January, 2016.

Received a second reading this 27th day of January, 2016.

Received a third and final reading and finally passed this 27th day of January, 2016.



Reeve - Neil Wilson



Chief Administrative Officer - Cynthia Vizzutti





*MD of Willow Creek*

**APPENDIX C**

**FEES**





# FEES\*

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## **Section 4 – Land Use Development Fees**

4.1 In this bylaw, fees for services related to land use development, as stated in the Land Use Bylaw and shall be paid at the time of application for a development permit or at the time of the request or receipt of the service or information using a payment as defined in Section 2, and shall be non-refundable, except in the case of an application by a charity, where the Municipal Planning Commission may consider a refund in whole or in part.

4.2 The list of fees for services provided in the Land Use Bylaw shall be as follows, except in the case where a development has commenced without a development permit, then Section 4.4 shall apply:

a)	Application for a permitted use	\$100.00/parcel
b)	Application for a discretionary use (unless otherwise listed below)	\$300.00/parcel
c)	Development Permit Extension Request	50% of permit fee
d)	Safety Code Permit Fees in Schedule 'B' (attached) forms part of this bylaw	
e)	Resource Extraction Class 1	\$2500.00/parcel
f)	Resource Extraction Class 2	\$1500.00/parcel
g)	Intensive Livestock Operation	\$500.00/parcel
h)	Wind Energy Conversion System Industrial	\$2500.00/parcel
i)	Solar Energy Sys/ Alternative Energy System Industrial	\$2500.00/parcel
j)	Amendments: Land Use Bylaw, Municipal Development Plan, Intermunicipal Development Plan	\$2500.00/parcel
k)	Kennels – Category 1 and 2	\$500.00/parcel
l)	Request for a special meeting of Council, MPC or SDAB (plus appeal fee)	\$500.00/parcel
m)	Subdivision and Development Appeal	\$500.00/parcel
n)	Letter of Compliance	\$100.00/parcel
o)	Request for a waiver or variance excluding waiver or variance for trees or signage (plus application fee)	\$300.00/parcel
p)	Request for a waiver or variance for trees or signage (plus application fee)	\$50.00/parcel
q)	Campgrounds – Private	\$300.00/parcel
r)	Campgrounds – Commercial	\$1000.00/parcel
s)	Costs of registrations for Land Titles including easements, save harmless agreements, development agreements, and encroachment agreements	\$300.00/parcel
t)	Area Structure Plans (ASP)	
	• Review (per review)	\$1500.00
	• Application (per application)	\$2,500.00 (plus advertising costs)
	• ASP or Area redevelopment Amendment	\$1,000.00

4.3 In any case where a required fee is not listed in Section 4 of this fee schedule, such fee shall be determined by the Chief Administrative Officer or his/her designate or the Municipal Planning Commission.

---

\* Excerpt from Fees Bylaw

4.4 In the event a development has commenced upon the lands without benefit of a development permit as required in the Municipal land use bylaw, fees shall be double the amount listed in Section 4.2, and all required safety code permits fees shall be doubled.



*MD of Willow Creek*

**APPENDIX D**

**FORMS AND APPLICATIONS**

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**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**

Box 550, Claresholm, AB T0L 0T0

Phone (403) 625-3351 Fax (403) 625-3886 www.mdwillowcreek.com

FOR OFFICE USE ONLY
Application No. _____
Fees Submitted: \$ _____
Site Inspection: _____

**APPLICATION FOR A DEVELOPMENT PERMIT**

**IMPORTANT:** This information may also be shared with appropriate government/other agencies (e.g. Alberta Agriculture, Food and Rural Development; Alberta Environment; the regional health authority), and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact The Municipal District of Willow Creek No. 26.

**Form A**

**APPLICANT:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**MUNICIPAL ADDRESS:** \_\_\_\_\_ **Bus/Cell:** \_\_\_\_\_

**REGISTERED OWNER:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**LEGAL DESCRIPTION:** Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

OR: Quarter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ W \_\_\_ M

**EXISTING USE:** \_\_\_\_\_

**PROPOSED USE:** \_\_\_\_\_

**PARTICULARS OF PROPOSED DEVELOPMENT:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Additional information or clarification can be helpful in processing the application without delay. You may wish to use the back of this form, or attach a separate sheet with such information. **Please fill out the Right of Entry authorization on reverse.**

**REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:**

I/we agree to the collection and sharing of this information contained in this application, and any other information may be required to verify and evaluate this application as explained above. I have submitted particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. I am aware I may be required to pay for all local improvement costs, which include drainage, sidewalks, road construction, street lighting, water and sewer main extensions, utility connection fees and installation costs at the present established rate.

I have read and understand the terms noted on the reverse side of this form and hereby apply for permission to carry out the development described above and/or on the attached plans and specifications. I further certify the registered owner(s) of the land described above is aware of this application.

**DATE:** \_\_\_\_\_ **SIGNED:** \_\_\_\_\_

Applicant

**IMPORTANT: See Over**

**ADDITIONAL INFORMATION:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IMPORTANT:**

1. Subject to the provisions of the Land Use Bylaw of The Municipal District of Willow Creek No. 26, the term “development” includes any change in the use of buildings or land.
2. Although the Development Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as an official consent, and is without prejudice to the decision in connection with the formal application. It must be clearly understood any development by the applicant within 21 days after receipt of a Development Permit is at his own risk.
3. Please submit a plan or drawing showing locations of existing and proposed buildings, roads, services, boundaries, etc. in sufficient detail to ensure proper consideration of the application. Measurements may be metric or imperial units. It is desirable the plans and drawings should be on scale appropriate to the development, as follows:  

Site plans – ratio of 1:1000 or 1:1500  
Other drawings – ratio of 1:100 or 1:200

or as required by the Development Officer. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared.
4. If a decision is not made within 40 days from the date of the receipt of the application in its complete and final form, the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40-day period unless an agreement for a time extension has been entered into with the municipality.

<b>RIGHT OF ENTRY:</b>	
I hereby authorize representatives of The Municipal District of Willow Creek No. 26 to enter my land for the purpose of conducting a site inspection in connection with this application.	
This right is granted pursuant to Section 542(1) of the <i>Municipal Government Act</i> .	
<b>DATE:</b> _____	<b>SIGNED:</b> _____
	_____ Registered Landowner(s)

**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**

Box 550, Claresholm, Alberta T0L 0T0  
Phone: (403) 625-3351 Fax: (403) 625-3886

**NOTICE OF MUNICIPAL PLANNING COMMISSION MEETING**

**Form B**

**Application No.** \_\_\_\_\_

**TO: LANDOWNERS WITHIN A 1-MILE RADIUS/ADJACENT LANDOWNERS**

**Notice is hereby given that an application is being made for a development permit with regard to the following:**

**NAME OF APPLICANT:**

**TYPE OF DEVELOPMENT:**

**LEGAL DESCRIPTION OF SITE:**

**PLACE OF MEETING:** \_\_\_\_\_

**TYPE OF MEETING:** \_\_\_\_\_

**DATE OF MEETING:** \_\_\_\_\_

This development application and all associated information are available for viewing at the Municipal Office at the address shown above during normal hours of operation.

Any person affected by the said proposal has the right to present a written brief prior to the hearing and/or to be present and be heard at the meeting. Any information submitted will become available to the public and may also be shared with the applicant and appropriate government/other agencies and is subject to the provisions of the *Freedom of Information and Protection of Privacy Act (FOIP)*. If you have any questions, please contact The Municipal District of Willow Creek No. 26.

Persons requesting to be heard at the meeting shall submit a written request to be heard to the Development Officer not later than:

\_\_\_\_\_ (10 consecutive days from the date of this notice)

**DATE:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**Development Officer  
The Municipal District of Willow Creek No. 26**



**NOTICE OF DECISION**

**Form C**

Application No. \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

In the matter of development of property located at \_\_\_\_\_

The development as specified in Application No. \_\_\_\_\_, for the following use \_\_\_\_\_

has been **A P P R O V E D**, subject to the following conditions:

**DATE OF DECISION** \_\_\_\_\_

**DEVELOPMENT PERMIT** issued on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

A development permit issued in accordance with this notice is not valid until 21 days after the date that this decision has been mailed to adjacent landowners, or posted on the site, or published in a newspaper, unless an appeal is lodged pursuant to the *MGA*. If an appeal is lodged, then the permit will remain in abeyance until the Subdivision and Development Appeal Board has determined the appeal and this Notice of Decision may be modified, confirmed, or nullified thereby.

**DATE:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

Development Officer  
The Municipal District of Willow Creek No. 26

**IMPORTANT:** Notice of approval in no way removes the need to obtain any permit or approval required by any federal, provincial or municipal legislation and/or regulations pertaining to the development approved.

**\*Intention to appeal must be received within 21 days of notification of decision.**

**NOTE:** The Land Use Bylaw provides any person claiming to be affected by a decision of the Municipal Planning Commission may appeal to the Subdivision and Development Appeal Board by serving written notice of appeal, stating the reasons, to the Subdivision and Development Appeal Board, c/o Chief Administrative Officer, Box 550, Claresholm, Alberta, T0L 0T0 within twenty-one (21) days following the date of issuance of this notice. The required fee of \$500.00 must accompany the appeal.

Copies to:



NOTICE OF DECISION

Form C

Application No. \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

In the matter of development of property located at \_\_\_\_\_

The development as specified in Application No. \_\_\_\_\_, for the following use \_\_\_\_\_

\_\_\_\_\_

has been **RE F U S E D** for the following reasons:

**DATE OF DECISION** \_\_\_\_\_

**YOU ARE FURTHER NOTIFIED** you may appeal this decision to the Subdivision and Development Appeal Board, as provided by the Land Use Bylaw, by serving written notice of appeal, stating the reasons, submit to the Subdivision and Development Appeal Board, c/o Chief Administrative Officer, Box 550, Claresholm, Alberta T0L 0T0 **within twenty-one (21) days** following the date of issuance of this notice. The required fee of \$500.00 must accompany the appeal.

**DATE:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**Development Officer**  
**The Municipal District of Willow Creek No. 26**

Copies to:





THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

DEVELOPMENT PERMIT

Form D

Application No. \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

In respect of development consisting of: \_\_\_\_\_

\_\_\_\_\_

On land located at: \_\_\_\_\_

and as described on Development Permit Application No. \_\_\_\_\_

and plans submitted by the applicant.

This permit refers only to development outlined in Development Permit Application No. \_\_\_\_\_

dated \_\_\_\_\_.

And is subject to the conditions contained in the Notice of Decision:

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_

Development Officer  
The Municipal District of Willow Creek No. 26

**IMPORTANT: See Over**

**IMPORTANT:**

This development permit is subject to the following conditions:

1. This permit indicates only the development to which it relates is authorized in accordance with the provisions of the Land Use Bylaw. This is not a BUILDING PERMIT. The applicant is not excused from complying with the requirements of any federal, provincial or other municipal legislation, or the conditions of any easement, covenant, building scheme or agreement affecting the development or land.
2. This permit, issued in accordance with the notice of decision, is valid for a period of 24 months from the date of approval. If, at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit is no longer valid. An application to extend the validity of a development permit may be approved for a maximum of 36 months from the date of the original development permit approval.
3. If this development permit is issued for construction of a building, including the exterior finish of the building, it shall be completed within 24 months from the date of issue of this development permit.
4. The Development Officer may, in accordance with the MGA, issue a stop order or suspend or cancel a development permit in order to ensure that the provisions of the bylaw are complied with.
5. This permit is transferable only in accordance with the provisions of the Land Use Bylaw.
6. If the use for which this development is issued is discontinued for 24 months or more, then a new application for development to recommence said use must be made in accordance with the provisions of the Land Use Bylaw.
7. The issuance of this development permit is subject to the condition it does not become effective until 21 days after the date of the issuance of the notice of decision. Should this decision be appealed within 21 days after the notice of decision has been issued, the permit shall not become effective until the appeal shall have been determined and the permit upheld thereby. **SHOULD DEVELOPMENT BE COMMENCED WITHIN THE 21-DAY TIME FRAME AND AN APPEAL BE LAUNCHED AGAINST THIS PROPOSAL AND SUBSEQUENTLY BE UPHELD BY THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD, ANY COSTS INCURRED SHALL BE AT THE SOLE EXPENSE OF THE DEVELOPER.**
8. **IF THE DEVELOPMENT APPLICATION HAS BEEN APPEALED, THE APPLICANT SHALL NOT COMMENCE ANY DEVELOPMENT UNTIL THE DECISION OF THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD HAS BEEN OFFICIALLY RENDERED IN WRITING AND AUTHORIZES THE PROPOSED DEVELOPMENT.**

**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**

Box 550, Claresholm, Alberta T0L 0T0  
Phone: (403) 625-3351 Fax: (403) 625-3886

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD**  
**NOTICE OF HEARING OF APPEAL**

**Form E**

**Application No.** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

A Public Hearing in the matter of the appeal of \_\_\_\_\_  
to the decision of the Municipal Planning Commission on Development Application No. \_\_\_\_\_  
in the matter of development of property located at \_\_\_\_\_, being the application for  
a development permit to \_\_\_\_\_  
has been APPROVED/REFUSED by the Municipal Planning Commission for the following reasons:

**Shall be heard on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock.**

The hearing will be held in the Administrative Office of The Municipal District of Willow Creek No. 26. Any person(s) affected by the proposed development is entitled to present a written brief prior to the hearing and to be present and to be heard at the hearing. Persons wishing to be heard at the hearing shall submit a written brief or notice of intention to be heard (or both) to the Secretary of the Subdivision and Development Appeal Board.

Any information submitted will become available to the public and may also be shared with the applicant and appropriate government/other agencies and is subject to the provisions of the *Freedom of Information and Protection of Privacy Act (FOIP)*. If you have any questions, please contact The Municipal District of Willow Creek No. 26.

**DATE:** \_\_\_\_\_ **SIGNED:** \_\_\_\_\_

Secretary of the Subdivision and Development Appeal Board  
The Municipal District of Willow Creek No. 26



**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**

Box 550, Claresholm, Alberta T0L 0T0  
Phone: (403) 625-3351 Fax: (403) 625-3886

**NOTICE OF DECISION OF THE  
SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**Form F**

**APPELLANT:** (Name and address)

In the matter of an appeal of the decision of the Municipal Planning Commission Development Application No. \_\_\_\_\_ to issue a development permit, dated \_\_\_\_\_ under the authority of Section 642 of *The Municipal Government Act* in the matter of the property located at \_\_\_\_\_ .

The decision and reasons for the decision of the Subdivision and Development Appeal Board after a Hearing duly convened on \_\_\_\_\_ , are as follows:

**I. DECISION**

**II. FACTS**

**III. REASONS**

**IV. DOCUMENTARY MATERIAL SUBMITTED TO THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD**

**V. ORAL REPRESENTATIONS WERE MADE BY:**

**DATE:** \_\_\_\_\_ **SIGNED:** \_\_\_\_\_  
Secretary of the Subdivision and Development Appeal Board  
The Municipal District of Willow Creek No. 26

**IMPORTANT:** This decision of the Subdivision and Development Appeal Board is final and binding on all parties and all persons, subject only to appeal to the provincial Court of Alberta.



**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**

Box 550, Claresholm, AB T0L 0T0

Phone (403) 625-3351 Fax (403) 625-3886 www.mdwillowcreek.com

FOR OFFICE USE ONLY
Application No. _____
Fees Submitted: \$ _____
Site Inspection: _____

**APPLICATION FOR A COUNTRY RESIDENCE OR FARMSTEAD DEVELOPMENT PERMIT**

***IMPORTANT:** This information may also be shared with appropriate government/other agencies (e.g. Alberta Agriculture, Food and Rural Development; Alberta Environment; the regional health authority), and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact The Municipal District of Willow Creek No. 26.*

**Form G**

**APPLICANT:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

\_\_\_\_\_ **Bus/Cell:** \_\_\_\_\_

**REGISTERED OWNER:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**PARTICULARS OF PROPOSED DEVELOPMENT:** \_\_\_\_\_

**LEGAL DESCRIPTION:** Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

OR: Quarter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ W \_\_\_ M

**ACCESS:** Existing \_\_\_\_\_ Proposed \_\_\_\_\_

Legal \_\_\_\_\_ Physical \_\_\_\_\_

**REGISTERED EASEMENTS:** \_\_\_\_\_

**SETBACKS:** \_\_\_\_\_

**UTILITIES:** \_\_\_\_\_

**WASTE DISPOSAL:** \_\_\_\_\_

**OTHER DETAILS:** \_\_\_\_\_

Additional information or clarification can be helpful in processing the application without delay. You may wish to use the back of this form, or attach a separate sheet with such information. **Please fill out the Right of Entry authorization on reverse.**

**REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:**

I/we agree to the collection and sharing of this information contained in this application, and any other information that may be required to verify and evaluate this application as explained above. I have submitted particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. I am aware I may be required to pay for all local improvement costs, which include drainage, sidewalks, road construction, street lighting, water and sewer main extensions, utility connection fees and installation costs at the present established rate.

I have read and understand the terms noted on the reverse side of this form and hereby apply for permission to carry out the development described above and/or on the attached plans and specifications. I further certify the registered owner(s) of the land described above is aware of this application.

**DATE:** \_\_\_\_\_ **SIGNED:** \_\_\_\_\_

Applicant

**IMPORTANT: See Over**



**ADDITIONAL INFORMATION:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IMPORTANT:**

1. Subject to the provisions of the Land Use Bylaw of The Municipal District of Willow Creek No. 26, the term “development” includes any change in the use of buildings or land.
2. Although the Development Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as an official consent, and is without prejudice to the decision in connection with the formal application. It must be clearly understood any development by the applicant within 21 days after receipt of a Development Permit is at his own risk.
3. Please submit a plan or drawing showing locations of existing and proposed buildings, roads, services, boundaries, etc. in sufficient detail to ensure proper consideration of the application. Measurements may be metric or imperial units. It is desirable that the plans and drawings should be on scale appropriate to the development, as follows:  
    Site plans – ratio of 1:1000 or 1:1500  
    Other drawings – ratio of 1:100 or 1:200  
or as required by the Development Officer. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared.
4. If a decision is not made within 40 days from the date of the receipt of the application in its complete and final form, the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40-day period unless an agreement for a time extension has been entered into with the municipality.

<p><b>RIGHT OF ENTRY:</b></p> <p>I hereby authorize representatives of The Municipal District of Willow Creek No. 26 to enter my land for the purpose of conducting a site inspection in connection with this application.</p> <p>This right is granted pursuant to Section 542(1) of the <i>Municipal Government Act</i>.</p> <p><b>DATE:</b> _____                      <b>SIGNED:</b> _____</p> <p>_____</p> <p style="text-align: center;">Registered Landowner(s)</p>
--

**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**

Box 550, Claresholm, Alberta T0L 0T0

Phone: (403) 625-3351

Fax: (403) 625-3886

Website: [www.mdwillowcreek.com](http://www.mdwillowcreek.com)

**INTENSIVE LIVESTOCK OPERATION  
DEVELOPMENT PERMIT APPLICATION**

**Form H**

**Application No.** \_\_\_\_\_

**Fees Submitted: \$** \_\_\_\_\_

**IMPORTANT:**

1. Subject to the provisions of the Land Use Bylaw of The Municipal District of Willow Creek No. 26, the term "development" includes any change in the use of buildings or land.
2. Although the Development Officer is in a position to advise on the principal or details of any proposals, such advice must not be taken in any way as an official consent, and is without prejudice to the decision in connection with the formal application. It must be clearly understood that any development by the applicant within 21 days after receipt of a Development Permit is at his own risk.
3. The sketch plan is considered part of the application and must be in sufficient detail to ensure proper consideration of the application. Whenever space provided is insufficient, use a separate sheet(s) of paper. Measurements may be metric or imperial units. It is desirable the plans and drawings should be on scale appropriate to the development, as follows:
  - Site plans – ratio of 1:1000 or 1:1500
  - Other drawings – ratio of 1:100 or 1:200
 or as required by the Development Officer. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared.
4. The application must be signed by the registered landowner(s) as shown on the Land Title, and by the facility operator (if not the owner).
5. If a decision is not made within 40 days from the date of the receipt of the application in its complete and final form, the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40-day period unless an agreement for a time extension has been entered into with the municipality.

**FOR OFFICE USE ONLY**

**FEE CALCULATION**

**Basic ILO Application Fee** \$ 300.00

a. Number of Animals Applied For \_\_\_\_\_

b. Animal Unit Equivalent ÷ \_\_\_\_\_

c. (a ÷ b = c) = \_\_\_\_\_

d. **Additional Animal Unit Fees** (c x \$.20) \_\_\_\_\_ x 20¢ \$ \_\_\_\_\_

**TOTAL APPLICATION FEE** \$ \_\_\_\_\_

FOR OFFICE USE ONLY

1. M.D. Permit Application No. \_\_\_\_\_ AAFRD File No. \_\_\_\_\_  
(land location)  
Site Inspection Completed on: \_\_\_\_\_

## 2. DEVELOPER DESCRIPTION

### Landowner:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

### Facility Operator (if not owner):

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

I/we hereby make application for a development permit to construct: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

under the provisions of Municipal Land Use Bylaw and in accordance with the plans and supporting information submitted herewith and which form part of this application.

The information contained in the application will be used to evaluate this proposal to develop an Intensive Livestock Operation as required by Municipal Land Use Bylaw for The Municipal District of Willow Creek No. 26.

The file contents become available to the public and are subject to the provisions of the *Freedom of Information and Protection of Privacy Act [FOIP]*. If you have any questions about the collection of this information, please contact The Municipal District of Willow Creek No. 26.

## 3. LEGAL LAND DESCRIPTION

All/Part of \_\_\_\_\_ ¼ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ W of \_\_\_\_\_ Meridian

All/Part of Lot \_\_\_\_\_ Block \_\_\_\_\_ Reg. Plan No. \_\_\_\_\_ COT No. \_\_\_\_\_

#### 4. DEVELOPMENT DESCRIPTION

Development Type: New  Renovation  Expansion  Replacement

For use by Development  
Officer or Municipal  
Planning Commission

Description:

Notes:

Animal Type*	Housing Capacity Existing	# of Livestock Additional / New	Totals
<b>TOTALS:</b>			

\* Poultry developments require authorization of quota by the Marketing Board under the authority of the *Agricultural Products Act*.

Percent Increase of Expansion:  
\_\_\_\_\_ %

#### 5. WATER SUPPLY REQUIREMENTS

(Refer to Agri-Fax Agdex 716C01 for Farm Water Supply Requirements)

Livestock Type & Total Number		Gal./Animal/Day		Water Demand/Day	
	x		=		Gallons/Day
	x		=		Gallons/Day
	x		=		Gallons/Day
	x		=		Gallons/Day
<b>TOTAL:</b>					<b>Gallons/Day</b>

#### 6. WATER SOURCE DETAILS

(Refer to Agri-Fax Agdex 716A12 for Water Licensing Information)

Type: Well(s)  Dugout(s)  Other  (describe) \_\_\_\_\_

Licensing: Have approvals for the use of water from these sources been obtained from Alberta Environmental Protection? [If yes, please provide supporting documentation (i.e., copy of license/registration)]

Yes  No  Applied For

**7. REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:**

I/we have submitted particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. I/we am aware that I/we may be required to pay for all local improvement costs, which may include drainage, road construction, water and sewer extensions, utility connection fees and installation costs at the present established rate.

I/we agree to the collection and sharing of this information contained in this application, and any other information that may be required to verify and evaluate this application as explained in Section 2.

I/we have read and understand the terms noted on this form and hereby apply for permission to carry out the development described herein and/or on the attached plans and specifications. I/we further certify that the registered owner(s) of the land described above is aware of this application.

**DATE:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

\_\_\_\_\_

Developer(s)

**8. RIGHT OF ENTRY:**

I/we hereby authorize representatives of The Municipal District of Willow Creek No. 26 to enter my/our land for the purpose of conducting a site inspection in connection with this application.

This right is granted pursuant to Section 542 of the *Municipal Government Act*.

**DATE:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

\_\_\_\_\_

Registered Landowner(s)

**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**

Box 550, Claresholm, AB T0L 0T0

Phone (403) 625-3351 Fax (403) 625-3886 www.mdwillowcreek.com

FOR OFFICE USE ONLY

**APPLICATION FOR A  
LAND USE BYLAW AMENDMENT**

***IMPORTANT:** This information may also be shared with appropriate government/other agencies (e.g. Alberta Agriculture, Food and Rural Development; Alberta Environment; the regional health authority), and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact The Municipal District of Willow Creek No. 26.*

Application No. \_\_\_\_\_

Fees Submitted: \$ \_\_\_\_\_

Site Inspection: \_\_\_\_\_

**Form I**

**APPLICANT:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Bus/Cell:** \_\_\_\_\_

**REGISTERED OWNER:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**LEGAL DESCRIPTION:** Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

OR: Quarter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ W \_\_\_ M

**PROPOSED AMENDMENT:**

From: \_\_\_\_\_

To: \_\_\_\_\_

**APPLICANT'S SUBMISSION:** Please state your reasons for applying for this amendment and if applicable, supply details of future plans/development, complete with sketches that illustrate the proposal. Attaching separate sheets will be necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:** I/we agree to the collection and sharing of this information contained in this application, and any other information that may be required to verify and evaluate this application as explained above. I have submitted particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. I am aware I may be required to pay for all local improvement costs, which include drainage, sidewalks, road construction, street lighting, water and sewer main extensions, utility connection fees and installation costs at the present established rate.

I have read and understand the terms noted above and hereby apply for that described above and/or on the attached plans and specifications. I further certify the registered owner(s) of the land described above is aware of this application.

**DATE:** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_

Applicant(s)



**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**

Box 550, Claresholm, Alberta T0L 0T0

Phone: (403) 625-3351 Fax: (403) 625-3886

**AGREEMENT FOR TIME EXTENSION**

**Form J**

**Application No.** \_\_\_\_\_

I/We \_\_\_\_\_ being the registered owner or person authorized to act on behalf of the registered owner with respect to:

Application No. \_\_\_\_\_

For: \_\_\_\_\_

Located on (legal description): \_\_\_\_\_

Do hereby agree to a time extension of: \_\_\_\_\_ days, until

On the understanding if a decision has not been made by this time, I may deem the application refused and appeal to the Development Appeal Board in accordance with the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, with amendments thereto.

\_\_\_\_\_  
Signature of Registered Owner/  
Person acting on behalf of:

\_\_\_\_\_  
Signature of Witness

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Development Officer  
The Municipal District of Willow Creek No. 26

\_\_\_\_\_  
Signature of Witness

Date: \_\_\_\_\_





**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**

Box 550, Claresholm, Alberta T0L 0T0  
Phone: (403) 625-3351 Fax: (403) 625-3886

**Form K**

**S T O P O R D E R**

Date: \_\_\_\_\_

**HAND DELIVERED/DOMESTIC REGISTERED MAIL**

**TO THE OPERATOR/OCCUPANT/REGISTERED OWNER:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**RE:** \_\_\_\_\_ (legal description as per land title)

**(“THE LANDS”)**

In my capacity as Designated Officer/Development Officer I am hereby issuing a Stop Order pursuant to Section 645 of the *Municipal Government Act*, 2000, Chapter M-26, and amendments thereto, with respect to the aforementioned lands.

The Municipality’s Land Use Bylaw, and amendments thereto, states:  
(insert section, description, and any other relevant references)

Where “development” has the same meaning as it has in the aforementioned Act, being:

- 616(b)** (i) an excavation or stockpile and the creation of either of them,
- (ii) a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land,
- (iii) a change 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 a change in the use of the land or building.
- (iv) 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 a change in the intensity of use of the land or building.

Where “building” has the same meaning as it has in the aforementioned Act, being:

- 616(a)** “building” includes anything constructed or placed on, in, over or under land but does not include a highway or road or a bridge that forms part of a highway or road;

Further, Part 17 of the *Municipal Government Act*, the Municipality’s Land Use Bylaw allows a Development Officer to issue a Stop Order where a development or use of land or buildings does not comply with the *Municipal Government Act*, the Land Use Bylaw, or a development permit or subdivision approval.

(May insert any pertinent reference to development permit conditions if applicable.)

At present, **THE LANDS** do not comply with the Municipality's Land Use Bylaw/Development Permit given that \_\_\_\_\_ (reasons for non-compliance) \_\_\_\_\_.

Accordingly, you are hereby ordered to stop the unauthorized development and use of the aforementioned lands and the building(s) thereon and comply with the Land Use Bylaw/Development Permit, within \_\_\_\_\_ days of the date of this order, that being by no later than **Midnight**, \_\_\_\_\_ (date) \_\_\_\_\_, by (steps to rectify non-compliance) \_\_\_\_\_

---

YOU ARE HEREBY ADVISED failure to comply with this order shall cause The Municipal District of Willow Creek No. 26 to commence proceedings to carry out action required by this order (*Municipal Government Act*, Section 646) at the developer's/landowner's expense and FURTHER BE ADVISED pursuant to Section 566 of the *Municipal Government Act*, a person who contravenes an order under section 645 is guilty of an offense and is liable to a fine of not more than \$10,000 or to imprisonment for not more than one year, or to both fine and imprisonment.

YOU ARE HEREBY ADVISED you have the right to appeal this Order to the Subdivision and Development Appeal Board. If you wish to exercise this right, then written notice of appeal with reasons, together with the applicable appeal fee of five hundred dollars (\$500.00), must be received by the Secretary of the Subdivision and Development Appeal Board, c/o Chief Administrative Officer, Box 550, Claresholm, T0L 0T0, within twenty-one (21) days following the date of issuance of this notice.

FURTHER BE ADVISED the Municipality has the authority to put the costs and expenses for actions required in relation to this Stop Order, including that of a solicitor, on the tax roll for **THE LANDS** (*Municipal Government Act*, Section 553 (1)(h.1)).

THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26

Per:

Designated Officer/Development Officer

**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**

Box 550, Claresholm, AB T0L 0T0

Phone (403) 625-3351 Fax (403) 625-3886 www.mdwillowcreek.com

FOR OFFICE USE ONLY
Application No. _____
Fees Submitted: \$ _____
Site Inspection: _____

**APPLICATION FOR A HOME OCCUPATION**

**IMPORTANT:** This information may also be shared with appropriate government/other agencies (e.g. Alberta Agriculture, Food and Rural Development; Alberta Environment; the regional health authority), and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact The Municipal District of Willow Creek No. 26.

**Form L**

**APPLICANT:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

\_\_\_\_\_ **Bus/Cell:** \_\_\_\_\_

**REGISTERED OWNER:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**LEGAL DESCRIPTION:** Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_

OR: Quarter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ W \_\_\_ M

**EXISTING USE:** \_\_\_\_\_

**PROPOSED USE:** \_\_\_\_\_

**Hours or Operation:** From \_\_\_\_\_ To \_\_\_\_\_

- |   |       |      |                    |
|---|-------|------|--------------------|
| <b>Noise Generated:</b>                           | 1 Yes | 1 No |                    |
| <b>Off-Street Parking Available:</b>              | 1 Yes | 1 No | No. of spaces ____ |
| <b>Storage of Goods on Property:</b>              | 1 Yes | 1 No |                    |
| <b>Anticipated Increase in Vehicular Traffic:</b> | 1 Yes | 1 No |                    |
| <b>Odors or Noxious Effluents:</b>                | 1 Yes | 1 No |                    |
| <b>Additional Vehicles Required:</b>              | 1 Yes | 1 No |                    |

**APPLICANT'S SUBMISSION:** Please describe your proposal in detail and state your reasons for applying for this home occupation (There is more space on the reverse side of the page, but attach a separate sheet if necessary).

\_\_\_\_\_  
\_\_\_\_\_

**REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:** I/we agree to the collection and sharing of this information contained in this application, and any other information that may be required to verify and evaluate this application as explained above. I have submitted particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. I am aware I may be required to pay for all local improvement costs, which include drainage, sidewalks, road construction, street lighting, water and sewer main extensions, utility connection fees and installation costs at the present established rate.

I have read and understand the terms noted on the reverse side of this form and hereby apply for permission to carry out the development described above and/or on the attached plans and specifications. I further certify the registered owner(s) of the land described above is aware of this application.

**DATE:** \_\_\_\_\_ **SIGNED:** \_\_\_\_\_

\_\_\_\_\_  
Applicant(s) **IMPORTANT: See Over**

**ADDITIONAL INFORMATION:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IMPORTANT:**

1. Subject to the provisions of the Land Use Bylaw of The Municipal District of Willow Creek No. 26, the term “development” includes any change in the use of buildings or land.
2. Although the Development Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as an official consent, and is without prejudice to the decision in connection with the formal application. It must be clearly understood any development by the applicant within 21 days after receipt of a Development Permit is at his own risk.
3. Please submit a plan or drawing showing locations of existing and proposed buildings, roads, services, boundaries, etc. in sufficient detail to ensure proper consideration of the application. Measurements may be metric or imperial units. It is desirable that the plans and drawings should be on scale appropriate to the development, as follows:  

Site plans – ratio of 1:1000 or 1:1500  
Other drawings – ratio of 1:100 or 1:200

or as required by the Development Officer. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared.
4. If a decision is not made within 40 days from the date of the receipt of the application in its complete and final form, the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40-day period unless an agreement for a time extension has been entered into with the municipality.

<b>RIGHT OF ENTRY:</b>	
I hereby authorize representatives of The Municipal District of Willow Creek No. 26 to enter my land for the purpose of conducting a site inspection in connection with this application.	
This right is granted pursuant to Section 542(1) of the <i>Municipal Government Act</i> .	
<b>DATE:</b> _____	<b>SIGNED:</b> _____
	_____ Registered Landowner(s)

**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**

Box 550, Claresholm, AB T0L 0T0

Phone (403) 625-3351 Fax (403) 625-3886 www.mdwillowcreek.com

FOR OFFICE USE ONLY
Application No. _____
Fees Submitted: \$ _____
Site Inspection: _____

**APPLICATION FOR A  
TEMPORARY DEVELOPMENT PERMIT**

***IMPORTANT:** This information may also be shared with appropriate government/other agencies (e.g. Alberta Agriculture, Food and Rural Development; Alberta Environment; the regional health authority), and may also be kept on file by those agencies. This information may also be used by and for any or all municipal programs and services. The application and related file contents will become available to the public and are subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIP). If you have any questions about the collection of this information, please contact The Municipal District of Willow Creek No. 26.*

**Form M**

**APPLICANT:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

\_\_\_\_\_ **Bus/Cell:** \_\_\_\_\_

**REGISTERED OWNER:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**LEGAL DESCRIPTION:** Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Plan \_\_\_\_\_  
OR: Quarter \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ W \_\_\_ M

**EXISTING USE:** \_\_\_\_\_

**PROPOSED USE:** \_\_\_\_\_

**PROPOSED DURATION:** From \_\_\_\_\_ To \_\_\_\_\_

**PARTICULARS OF PROPOSED DEVELOPMENT:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional information or clarification can be helpful in processing the application without delay. You may wish to use the back of this form, or attach a separate sheet with such information. **Please fill out the Right of Entry authorization on reverse.**

**REGISTERED OWNER OR PERSON ACTING ON BEHALF OF:**

I/we agree to the collection and sharing of this information contained in this application, and any other information that may be required to verify and evaluate this application as explained above. I have submitted particulars concerning the completion of the proposed development and agree to comply in all respects with any conditions that may be attached to any development permit that is issued and with any other bylaws that are applicable. I am aware I may be required to pay for all local improvement costs, which include drainage, sidewalks, road construction, street lighting, water and sewer main extensions, utility connection fees and installation costs at the present established rate.

I have read and understand the terms noted on the reverse side of this form and hereby apply for permission to carry out the development described above and/or on the attached plans and specifications. I further certify the registered owner(s) of the land described above is aware of this application.

**DATE:** \_\_\_\_\_ **SIGNED:** \_\_\_\_\_

\_\_\_\_\_  
Applicant(s) **IMPORTANT: See Over**

**ADDITIONAL INFORMATION:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IMPORTANT:**

5. Subject to the provisions of the Land Use Bylaw of The Municipal District of Willow Creek No. 26, the term “development” includes any change in the use of buildings or land.
6. Although the Development Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in any way as an official consent, and is without prejudice to the decision in connection with the formal application. It must be clearly understood any development by the applicant within 21 days after receipt of a Development Permit is at his own risk.
7. Please submit a plan or drawing showing locations of existing and proposed buildings, roads, services, boundaries, etc. in sufficient detail to ensure proper consideration of the application. Measurements may be metric or imperial units. It is desirable the plans and drawings should be on scale appropriate to the development, as follows:  

Site plans – ratio of 1:1000 or 1:1500  
Other drawings – ratio of 1:100 or 1:200

or as required by the Development Officer. However, unless otherwise stipulated, it is not necessary for plans and drawings to be professionally prepared.
8. If a decision is not made within 40 days from the date of the receipt of the application in its complete and final form, the applicant may exercise his right of appeal as though he had been mailed a refusal at the end of the 40-day period unless an agreement for a time extension has been entered into with the municipality.

<b>RIGHT OF ENTRY:</b>	
I hereby authorize representatives of The Municipal District of Willow Creek No. 26 to enter my land for the purpose of conducting a site inspection in connection with this application.	
This right is granted pursuant to Section 542(1) of the <i>Municipal Government Act</i> .	
<b>DATE:</b> _____	<b>SIGNED:</b> _____
	_____ Registered Landowner(s)

**NOTE:** When, in the opinion of the Municipal Planning Commission, a proposed use is of a temporary or discretionary nature, it may issue a temporary development permit valid for such a period as it considers appropriate. It shall be a condition of every temporary development permit The Municipal District of Willow Creek No. 26 shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period. The Municipal Planning Commission may require the applicant to post a guarantee for the cessation or removal of the use and any associated development.



*MD of Willow Creek*

**APPENDIX E**

**PRIVATE DRIVEWAY POLICY**

---







## 320-26 Private Driveway Policy

**Purpose:** To provide for a minimum access criteria for private driveways and to ensure it is clear to landowners and the travelling public that a private driveway is not a public road.

**Scope:** Public Works

**Responsibility:** Public Works

### Policy Statement

The purpose of the Private Driveway Policy is to promote safety and welfare of people and the protection of people and property in the Municipality by establishing minimum access and maintenance standards for private driveways, hereinafter referred to as "driveways", to ensure emergency vehicles and private passenger vehicles can access building sites that are on private property and not on municipal road allowances.

### Section 1 - General Provisions

- 1.1 The landowner is responsible for the construction of the driveway in accordance with this policy.
- 1.2 The landowner is responsible for ensuring the driveway is in compliance with any applicable Federal and Provincial legislation.
- 1.3 The landowner is responsible for all snow removal, blowing, grading, gravelling, paving and any other maintenance of the driveway.
- 1.4 The landowner is responsible for erosion control measures to maintain the slope, including but not limited to mulching, matting or seeding.
- 1.5 The landowner shall enter into a development agreement with the Municipality, to be registered on the title of the lands where the driveway is to be constructed.
- 1.6 The landowner is responsible for the construction and maintenance of any gates or signs placed on or around the driveway, in accordance with the Municipal Land Use Bylaw.

**Section 2 - Specifications and Setbacks**

2.1. In order to ensure access for Emergency Services vehicles, school buses and private passenger vehicles, driveways shall be constructed in accordance with the following specifications:

2.1.1 Surface of the driveway shall be a minimum of five (5) meters in width, with .6 meter (two (2) feet) shoulder or side slope;

2.1.2 Driveways shall be gravel surfaced, as a minimum standard;

2.1.3 Shoulders and side slopes for driveways shall be no more than three (3) to one (1).

2.1.4 A culvert shall be installed at the ditch line where the driveway meets the municipal road or Provincial highway, as directed by the Superintendent of Public Works or Alberta Transportation;

2.1.5 The minimum setback of a driveway from adjacent lands shall be six (6) meters or twenty (20) feet;

2.1.6 The minimum setback of a gate closing the driveway to traffic shall be set so as to not encroach on the developed municipal road and shall not create a snow drifting hazard;

2.1.7 A vehicle turnaround area sufficient to allow for the turning radius of an Emergency Services Vehicle or a School bus shall be provided on the property serviced by the driveway.

Effective date: May 9, 2018

Signed by: Margarene V. Sandberg - Reeve

[Signature] - Chief Administrative Officer



*MD of Willow Creek*

**APPENDIX F**

**AREA STRUCTURE PLAN /  
CONCEPTUAL SCHEME GUIDELINES**

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**THE MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26**  
**AREA STRUCTURE PLAN / CONCEPTUAL SCHEME GUIDELINES**

---

**1. INTRODUCTION**

The following guidelines provide pertinent information for applicants who have been directed to prepare detailed subdivision and/or development plans prior to a land use redesignation or a subdivision or development application being filed with the municipality.

**2. DEFINITIONS**

**Area structure plan** means a statutory plan, adopted by municipal bylaw, prepared in accordance with section 634 of the *Municipal Government Act* and the local Municipal Development Plan for the purpose of providing a framework for subdivision and development of land in the municipality.

**Conceptual scheme** means an area structure plan which has not been adopted by municipal bylaw.

**3. AREA STRUCTURE PLAN / CONCEPTUAL SCHEME REQUIREMENTS**

The Municipal Planning Commission may require an applicant to submit an area structure plan or conceptual scheme prior to a land use redesignation or consideration of a subdivision and/or development proposal within the following land use districts:

- Grouped Country Residential,
- Rural Industrial,
- Rural Commercial,
- Rural Recreational,
- Rural Agri-Industrial, or
- Rural Recreational.

Such plans shall address the following issues or concerns to the satisfaction of the Municipal Planning Commission:

- (a) lot design, servicing, access and sequence of development;
- (b) undevelopable on site areas subject to flooding, groundwater inundation, slumping and erosion;
- (c) on site areas of historical or archaeological significance;
- (d) impact on the urban expansion strategies of any neighbouring municipality;
- (e) impact on the safe, efficient operation of nearby highways, secondary or rural roads;
- (f) impact on future resource development of the area;
- (g) impact on, access to or development of the areas existing or potential recreation amenities;
- (h) impact on vicinity wildlife habitats, natural areas and ecological reserves;
- (i) potential conflicts with adjacent or surrounding land uses, particularly agricultural operations and irrigation systems;

- (j) construction and financial responsibilities of the development (development agreement);
- (k) if within one-half mile of a provincial highway, any comments from Alberta Transportation;
- (l) if the proposal would result in six parcels or more in a quarter section, a certified report shall be prepared in accordance with the "Report Requirements under Section 23 of the *Water Act* for Subdivision Development" as produced by Alberta Environment, September 1999. The costs of preparation, evaluation, interpretation and/or distribution of the said report shall be borne by the applicant and the results shall be forwarded to the Regional Director for the *Water Act* for interpretation, evaluation and comment;
- (m) any other matters considered necessary by the municipality.

#### **4. AREA STRUCTURE PLAN / CONCEPTUAL SCHEME COMPONENTS**

(a) **Lot Sizes**

The minimum lot size for any or all country residential parcels shall be 1.2 hectares (3 acres) unless waived to a lesser amount by the Municipal Planning Commission.

(b) **Parcel Densities**

The maximum amount of lots allowed on an unsubdivided quarter section of land shall be at the discretion of the Municipal Planning Commission based on the parcel location, the suitability of the land to be subdivided or developed, etc.

(c) **Conceptual Designs**

An application for a multi-lot or recreational proposal shall be accompanied by a detailed site plan showing all proposed lots and future development area on the said parcel. The site plan shall be drawn to scale and a copy submitted to the designated officer when an application is filed with the municipality.

(d) **Contours**

Where developments are proposed to be built in areas of slopes greater than 10 percent or where roads and water channelization are to be incorporated into the development, a detailed contour map shall be prepared for the development area.

(e) **Water Supply**

The area structure plan or conceptual scheme shall describe the proposed water supply proposed for the development area. An indication of the number and location of wells or the number and capacity of cisterns shall be provided by the developer.

NOTE: If wells are to be used individually or as a community water supply, the developer is encouraged to have the said well(s) licensed with the Groundwater Branch of Alberta Environment and Parks.

**(f) Sewage Disposal**

The area structure plan or conceptual scheme shall describe the proposed sewage disposal system proposed for the development area. Septic fields or pump-out systems shall be used for private sewage disposal systems based on geotechnical information provided by the developer. No sewage mounds will be allowed as disposal systems for the above-noted uses. All sewage installations shall be in accordance with the Private Sewage Disposal Systems Regulation.

**(g) Types of Subdivision**

The Municipal Planning Commission is the Subdivision Authority having jurisdiction in the municipal district. An application that proposes a multi-lot subdivision shall be undertaken either by a plan of survey or by a condominium plan (if bareland is involved).

NOTE: An undivided interest whereby a number of land owners are identified on one or more certificate of title does not constitute a subdivision of land.

**(h) Development Agreements**

Pursuant to the *Municipal Government Act* the municipality may, at the time of subdivision or development, require the developer to enter into a development agreement for the construction of roadways and/or servicing necessary to serve the development area.

NOTE: The municipality may require the developer to provide a form of security to ensure that any or all aspects of the agreement are undertaken to the satisfaction of the municipal district.

**(i) Geotechnical Reports**

As a requirement of the area structure plan or conceptual scheme, geotechnical reports may be required by the municipality. The said reports may require the following testing and subsequent reports to be undertaken:

- percolation,
- aquifer and groundwater analysis,
- slope stability,
- drainage.

**(j) Architectural Controls**

As a development standard of the area structure plan or conceptual scheme, architectural controls are suggested to be supplied by the developer to ensure all development in the development area is consistent with neighbouring property. These controls shall be registered concurrently by a Restrictive Covenant at the time a plan of survey is filed with Land Titles Office.

**(k) Phasing of Subdivision and Development**

The developer shall provide to the municipality a detailed time frame that outlines the timing they envision for the consideration and subsequent decision on their development and/or development application.



**(l) Public Participation Process and Consultation**

The developer shall provide to the municipality a detailed outline of the proposed public participation process for the development and/or subdivision. An indication of the time and place of public meetings as well as consultation with the elected officials and affected community ratepayers is encouraged.

**(m) Transportation Routes and Public Utilities**

A requirement of an area structure plan or conceptual scheme is to indicate and provide locations of existing and proposed transportation routes and public utilities which will serve the development area.

**(n) Municipal Reserve Dedications**

Pursuant to the *Municipal Government Act*, the municipality may require the applicant proposing a multi-lot subdivision to provide up to 10 percent of the development area for Municipal Reserve purposes. As the municipality's existing policy is to take money in place of land for this purpose, a market analysis provided by the developer or a price agreed upon by both parties will be used to determine the value of reserve owing on the proposal.

**(o) Subdivision and Development Referrals**

The developer may be required to obtain other regulatory approvals from the appropriate agencies and government departments that have jurisdiction on these uses. The municipality is required to refer certain applications to various agencies and departments for their comments and consent.

NOTE: A municipal approval does in no way absolve a developer from obtaining any other necessary local, provincial or federal approvals including the requirement to undertake an environmental impact assessment.

**(p) Historic Resources**

Subdivision or development proposals for lands identified that contain, or are likely to contain, historic or archaeological significance may be required to conduct a Historic Resources Impact Assessment prior to the onset of development activities in consideration of the requirements of the provincial Historical Resources Act and any directives from Alberta Culture. If required, this assessment must be conducted by a qualified consultant on behalf of the proponent at the proponent's expense.

**(q) Other Development Considerations**

The developer, in preparing the area structure plan or conceptual scheme, shall provide details regarding the following matters:

- garbage disposal,
- fire protection (location of on-site water reservoirs),
- school bus service,
- location, width and turning radius of existing and proposed roadways,
- access and egress to the proposal,

- a statement of all the intended land uses for the development site,
- types and location of fencing proposed for the development,
- the environmental impacts on lands and wildlife in the immediate area.

(r) **Municipal Prerogatives**

The municipality, at its sole discretion, may undertake any or all of the following:

- adopt a duly prepared area structure plan or conceptual scheme by municipal bylaw which will govern subsequent subdivision and development of the specific area,
- may change any or all of the guidelines or requirements outlined in the above-noted sections,
- may waive the requirements to provide any of the information discussed in these guidelines,
- may waive the lot sizes or the parcel densities proposed in these guidelines,
- may require the developer to provide a higher standard of servicing than outlined in the Land Use Bylaw or a statutory plan based on the density or complexity of a development proposal,
- may require the developer to provide any additional information not addressed or contemplated in these guidelines.