COUNTY OF FORTY MILE NO. 8
LAND USE BY-LAW



BY-LAW NO. 10/2009

ORIGINALLY ADOPTED - September 23, 2009

AMENDED BY BYLAW 2/2024 – February 28, 2024

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PART I - SHORT TITLE, PURPOSE AND DEFINITIONS:

1. SHORT TITLE:

(1) This By-law may be cited as "*County of Forty Mile No. 8 Land Use By-Law*."

2. PREVIOUS LEGISLATION:

(1) The previous County of Forty Mile No. 8 Land Use By-Law No. 2/2004 and amendments thereto are hereby repealed.

(2) This By-Law comes into force upon the date of final reading.

(3) An application for a Development Permit which is received in its complete form prior to the effective date of this By-Law shall be processed as if this By-Law had not come into force.

3. PURPOSE:

(1) The Purpose of this By-Law is to:

(a) provide direction for the orderly, economical, and beneficial Development, use of land and patterns of human settlement for the residents of the County of Forty Mile No. 8, and

(b) regulate and control, or where necessary, regulate and prohibit Development, without infringing on the rights of individuals except to the extent that is necessary for the greater public interest.

4. APPLICATION OF THIS BY-LAW:

(1) Except as permitted in this By-Law, no person shall commence a development unless a Development Permit for that development has been issued.
(2) If one or more provisions of this By-Law are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

5. INTERPRETATION:

(1) In this By-Law, unless the context otherwise requires, the expression "use" or "to use" shall include actions undertaken or permitted by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant or agent acting for or with the knowledge and consent of the owner or occupant for the purpose of making use of the said land, building or structure.
(2) Unless otherwise stated, the Interpretation Act applies to this By-Law.
(3) Where uncertainty exists as to the boundaries of the districts as shown on the Land Use District Map, the following rules shall apply:

(a) where a District boundary is shown as approximately following a public roadway, it shall be deemed to follow the right-of-way thereof;
(b) where a District boundary is shown as approximately following the boundary of

a lot, the lot boundary shall be deemed to be the boundary of the District;

(c) where a District boundary is shown as following a canal, pipeline, railway line, or utility easement it shall be deemed to be the boundary of the District;

(d) where a District boundary is shown as parallel to or as an extension of features noted above, it shall be so construed;

(e) where a land use District boundary is not located in conformity to the preceding provisions and in effect divides or splits a registered parcel of land, the disposition of such a boundary shall be determined by dimensions indicated on the Land Use District map or by measurements directly from that map; where the application of the above rules does not determine the exact location of the boundary of a District, the Council either on its own motions or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the District boundary in doubt or dispute in a manner consistent with the provisions of this By-Law and with the degree of detail as to measurements and directions as the circumstances may require.

6. DEFINITIONS:

In this By-Law, the following words shall take the following meanings:

(1) ***Accessory Buildings*** means a separate building the use of which is accessory and subordinate to the use of the principal building on the same Lot.

(2) ***Accessory Use*** means a use associated with but subordinate to the permitted and Discretionary Uses pursuant to this By-Law.

(3) ***Act*** means the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta 2000, as amended.

(4) ***Adjacent Land*** means land that is contiguous to the parcel of land that is being developed, re-designated or sub-divided and includes land that would be contiguous if not for a highway, road, river or stream.

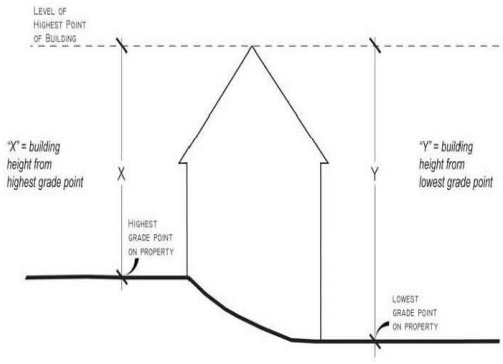
(5) ***Agrivoltaic Systems*** means a system designed for the simultaneous use of areas of land for both Ground-Mounted solar collectors and agriculture.

(6) ***Appeal Board means the Sub-division and Development Appeal Board appointed by the*** Municipal **Council** pursuant to the Act.

(7) ***Accessory Buildings*** means a separate building the use of which is accessory and subordinate to the use of the principal building on the same Lot.

(8) ***Battery Energy Storage System (BESS)*** means a rechargeable energy storage system consisting of batteries, battery chargers, controls, power conditioning systems and associated electrical equipment designed to provide electrical power to a building or to provide electrical grid-related services. Battery energy storage systems designed and operated for a single residential household shall not be included in the definition.

(9) ***Building*** means anything constructed or placed on, in, over or under the land but does not include a highway or public roadway or bridge forming part of a highway or public roadway.



(10) ***Building Envelope*** means the outer perimeter of a building excluding any allowable projections over setbacks.

(11) ***Building Height*** means the vertical distance from grade level at the exterior wall to the highest point of a building, excluding a skylight, chimney, flagpole, antenna, a parapet wall or similar device not structurally essential to the building. On sloping ground, building height shall be considered as the average of the highest and lowest grades.

(12) ***Confined Feeding Operation*** means an activity on land that is fenced or enclosed or within buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing, but does not include seasonal feeding or bedding sites. Operations equal to or greater than the size shown in the following table require registration under the Agricultural Operation Practices Act: (If there is a discrepancy, the Act prevails.)

Beef cows/finishers, bison, elk	**150**
Beef feeders (<900 lbs.), Deer, Sheep, Goats	**200**
Swine, (sows - farrow to finish)	**30**
Swine, (sows - farrow to wean)	**50**
Swine, (weaners, feeders)	**500**
Dairy	**50**
Horses, Wild Boar	**100**
Poultry (breeder hens), Turkeys	**1000**
For other animals, refer to Agricultural Operations Part 2 Matters Regulation	

(13) ***Converter Station*** means a location where electric energy is converted to direct current (DC) from alternating current (AC) or vice versa.

(14) ***Corner Lot*** means a lot having frontage on two or more streets in their intersection.

(15) ***Cottage*** means a dwelling unit of one household normally occupied between April and the end of October.

(16) ***Council*** means the Municipal Council of the County of Forty Mile No. 8.

(17) ***County*** means the County of Forty Mile No. 8.

(18) ***Country Residence*** means a dwelling with or without accessory buildings or uses which is situated on a parcel used solely for private residential purposes and Accessory Uses within an otherwise rural area.

(19) ***Development*** means:

(a) an excavation or stockpile and the creation of either, or
(b) a building or an addition to or replacement or repair of a building and the construction or placing in, on, over or under land of any of them, or
(c) 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, or
(d) 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.

(20) ***Development Authority*** means the County authority responsible for review and consideration of applications to amend the Land Use By-Law and for Development Permits in accordance with this By-Law.

(21) ***Development Officer*** means a person appointed by Council to act as a Development Officer pursuant to this Land Use By-Law.

(22) ***Development Permit*** means a document issued by a Development Officer or the Municipal Planning Commission authorizing a development in accordance with this Land Use By-Law.

(23) ***Discretionary Use*** means the use of land or buildings which are not a Permitted Use ***in*** terms of this By-Law but for which there is permission for the Development Authority to exercise its discretion in granting a Development Permit.

(24) ***Dwelling*** means any building or structure used exclusively for human habitation whether framed in place or assembled from factory built modules, which is supported on a permanent foundation or base extending below ground level, but does not include mobile homes of any kind.

(a) ***Dwelling - single detached*** means a detached building consisting of one Dwelling Unit as herein defined and occupied as the permanent home or residence of one household;
(b) ***Dwelling - semi-detached*** means development consisting of only two dwellings, each accommodating one household, situated side by side and sharing a common wall. Each dwelling shall have separate, individual and direct access to grade, with no interior access connections, and no common means of access with other dwellings.
(c) ***Dwelling - multi-unit*** means a grouping of three or more dwelling units within

one structure and may be constructed in an apartment style where entrance facilities are shared, or an attached style where each unit has a separate entrance at grade and is divided by a vertical party wall, or in a stacked dwelling style where units have separate entrances but may be located totally or partially above another.

(25) ***Dwelling Unit*** means a complete building or self-contained portion of a building, set or suite of rooms for one or more individuals living as a single housekeeping unit, containing sleeping, cooking and separate or shared toilet facilities intended as a permanent or semi-permanent residence not separated from direct access to the outside by another separate or self-contained set or suite of rooms.

(26) ***Farming*** means the use of land or buildings for the raising or producing of crops and/or livestock and does not include a confined feeding operation.

(27) ***Farmstead*** means a dwelling or mobile home and other improvements used in connection with the raising or production of crops, livestock or poultry which is situated on land used in connection with such farming operations, but does not mean a Country Residence.

(28) ***Habitable Residence*** means any permanently or seasonally occupied residence on a regular basis of six weeks per year or more with the exception of an employee or worker residence, dormitory, or construction camp located within an industrial plant boundary. Trailer parks and campgrounds may qualify as a habitable residence if it can be demonstrated that they are in regular and consistent use during the applicable season.

(29) ***Highway*** means a provincial highway under the Highways Development and Protection Act.

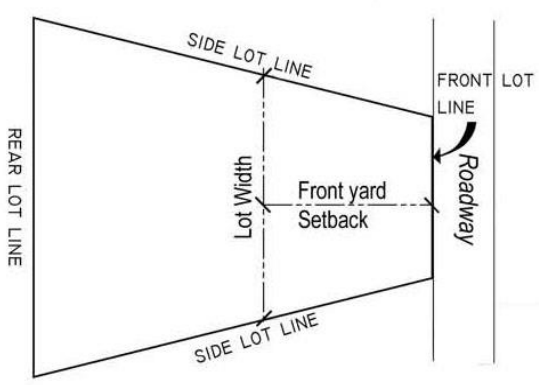
(30) ***Home Occupation*** means occupation, trade or craft carried on by the occupant of a dwelling as a use secondary to the residential use of a building or parcel.

(31) ***Livestock Manure Unit*** means the number of livestock needed to produce sufficient manure to meet the nitrogen requirements of 1 acre of dry crop land. For many species, 454 kg. (1000 lbs) of live weight approximates a Livestock Manure Unit.

(32) ***Lot*** means:

(a) a quarter section; or a part of a parcel where the boundaries of the part are separately described in a Certificate of Title other than by reference to a legal sub-division; or

(b) in a part of a parcel where the boundaries of the part are described in a Certificate of Title by references to a plan of sub-division.



(33) ***Lot Width*** means the horizontal distance between the side lot lines of a site measured at a distance from the front lot line equal to the minimum required front

yard for the applicable land use district.

(34) ***Micro-Generation*** means ‘micro-generation’ as detailed in the Alberta Electric Utilities Act, Micro-Generation Regulation. It encompasses both 'small micro-generation' and 'large micro-generation', as these categories are explicitly defined within the Regulation.

(35) ***Minimum Distance Separation (MDS)*** means a setback established between an intensive livestock operation and adjacent land uses by utilizing siting formulas and tables from the current version of the Confinement Livestock Facilities Waste Management Codes of Practice to minimize potential land use conflicts.

(36) ***Mobile Home*** means a dwelling designed to be transported and when placed on foundation supports and connected to utilities is ready for year-round accommodation.

(37) ***Monitoring Station*** means a Monitoring Station refers to a facility or installation equipped with specialized instruments and equipment designed to collect and analyze environmental data. These stations are utilized for assessing the potential and performance of various natural resources, particularly for renewable energy projects. They are also used to monitor wildlife such as bats and birds.

(38) ***Municipal Planning Commission*** means the County of Forty Mile No. 8 Municipal Planning Commission appointed by Council pursuant to the Act.

(39) ***Non-conforming Building*** means a building:

(a) that is lawfully constructed or lawfully under construction at the date a Land Use By-Law or any amendment thereof affecting the building or land on which the building is situated becomes effective, and
(b) that on the date the Land Use By-Law or any amendment thereof becomes effective does not, or in the case of a building under construction, will not comply with the Land Use By-Law.

(40) ***Ornamental Trees*** means a single row of coniferous or deciduous trees with a minimum spacing of 5 metres located in front of a Country Residence or Farmstead extending for a maximum distance of 100 metres adjacent to a local road or road allowance.

(41) ***Parking Canopy Solar System*** means a Ground-Mounted Solar Array installed above parking areas.

(42) ***Permitted Use*** means a use designated in the Land Use By-Law for which the Development Officer shall issue a Development Permit with or without conditions providing that all other provisions relating to the application have been complied with.

(43) ***Planning Advisor*** means a person or persons appointed to the office of Planning Advisor pursuant to this Land Use By-Law.

(44) ***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 agreement for sale is the subject of a caveat registered against the Certificate of Title on the land and any assignee of the purchaser's interest that is 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.

(45) ***Road*** is as defined under Part 17 of the Municipal Government Act.
(a) An "Improved Road" or "Developed Road" means a Road that has undergone development or enhancement to facilitate safer and more efficient travel. Key characteristics include:
(i) A constructed driving surface made from materials such as asphalt, concrete, gravel, or other stabilized materials that provide a firm, all-weather driving experience.
(ii) The inclusion of features that enhance safety and usability, such as drainage systems, curbs, lighting, signage, and/or marked lanes.
(iii) Regular maintenance activities to ensure the road remains in a state conducive to its intended use, including activities like resurfacing, snow removal, and pothole repair.
(iv) This definition encompasses roads that have received significant investment to support regular, ongoing vehicular or pedestrian use.
(b) An "Undeveloped Road" or “Undeveloped Road Allowance” means a Road that is currently in an unimproved or natural state and lacks substantial development or enhancement for vehicular travel. Characteristics of an undeveloped road include:
(i) A natural surface without a constructed layer of asphalt, concrete, gravel, or other stabilizing materials. These roads may consist of dirt, grass, or other natural ground cover.
(ii) Limited or no additional features for safety or usability, such as drainage, curbing, lighting, or signage.
(iii) Minimal or no regular maintenance, making these roads potentially less reliable for travel, especially in adverse weather conditions.

(46) ***Seasonal Residence*** means a cottage or summer residence which is only used during the spring and summer period and does not require year-round access. Holiday trailers within a legally established municipal park are excluded from this definition.

(47) ***Small Scale Wind Energy Facility (SWEF)*** means a single structure Wind Energy Facility (WEF) Conversion System that produces less than 25 Kw and generates electricity primarily for the property owner, whether connected to the grid or not. The System and supporting structure shall not exceed 20 m (65.6 feet) in height.

(48) ***Solar Collector*** means a photovoltaic (PV) panel, array of panels or other solar energy device, the primary purpose of which is to produce electricity by converting solar radiation into electricity or to thermal energy to produce steam to drive a turbine for the collection, inversion, storage, and distribution of solar energy for

electricity generation, space heating, space cooling, or water heating. A Ground-Mounted Solar Array includes Agrivoltaic Systems and includes Parking Canopy Solar Systems when installed on surface parking lots. Building-mounted solar collectors include parking canopy solar systems when installed on the roof of a parking garage.

(49) ***Solar Energy Facility (SEF)*** means a development or installation that primarily functions to generate electricity from solar radiation. This includes all necessary components such as Solar Collectors, mounting systems, inverters, transformers, and associated infrastructure for the purpose of capturing, converting, distributing, and storing solar energy. Solar Energy Facilities can vary in scale and type, including:

(a) ***Ground-Mounted Solar Array:*** Large-scale installations where solar panels are mounted on the ground, often covering extensive areas, typically used for commercial or utility-scale electricity generation. For the purpose of this definition, the Ground-Mounted Solar Arrays are micro-generation sites as defined in the Alberta Electric Utilities Act, Micro-generation Regulation, as amended.

(b) ***Rooftop Solar Installation:*** Systems installed on the roofs of buildings, ranging from residential to commercial structures, utilized primarily for on-site electricity consumption.

(c) ***Agrivoltaic System:*** Combining agricultural use of land with solar energy generation, where solar panels are installed above crops or pasture, allowing for dual use of the land.

(d) ***Community Solar Power Station:*** Shared solar energy facilities where electricity generated is used by multiple subscribers or stakeholders.

(e) ***Solar Energy Plant or Solar Power Station:*** Refers to an industrial-scale solar electric generation facility where solar panels or other solar energy harvesting technologies are installed extensively to generate electricity on a commercial scale. These facilities are primarily designed to feed electricity into the power grid and are akin to traditional power plants in their function and scale.

(50) ***Subdivision or Sub-division*** means the division of a parcel of land by an instrument and sub-divide has a corresponding meaning.

(51) ***Subdivision Authority or Sub-division Authority*** means the County authority responsible for all aspects of approval of Applications to sub-divide land.

(52) ***Substation/Switching Station*** means a facility where equipment is used to tie together two or more electric circuits through switches (circuit breakers). The switches are selectively arranged to permit a circuit to be disconnected or to change the electric connection between the circuits.

(53) ***Take-off/Approach Surface*** means an imaginary surface, prescribed by the Ministry of Transport, consisting of an inclined plane sloping upward and outward from the end of the basic strip of an airport runway, under which the height of building is regulated.

(54) ***Transitional Surface*** means an imaginary surface, prescribed by the Ministry of Transport, consisting of an inclined plane sloping upwards and outwards from the edge of the Take-off/Approach Surface and edge of the basic strip of an airport runway, under which the height of buildings is regulated.

(55) ***Transmission Lines:*** means electric lines and related components designed and operating at voltage levels above the public utility's voltages for distribution and generation facilities, including but not limited to related substation facilities such as transformers, capacitator banks, or breakers that are integral to the circuitry of the public utility's transmission system.

(56) ***Unsub-divided quarter section*** means a quarter section held under a single title, excluding registered rights-of-way.

(57) ***Wind Energy Facility (WEF) Definitions:***

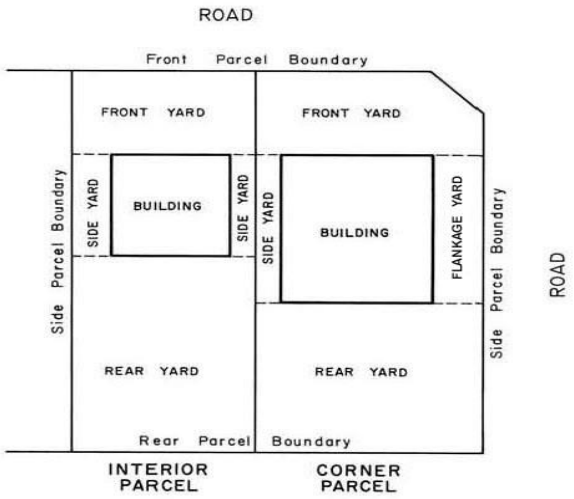
(a) ***Blade*** means an element of a Wind Energy Facility (WEF) rotor which acts as a single aerofoil, thereby extracting kinetic energy directly from the wind.
(b) ***Blade Clearance*** means in reference to a Horizontal Axis Rotor, the distance from grade to the bottom of the rotor's arc.
(c) ***Commencement of Construction*** means for purposes of the section, commencement of a development shall be defined as the moment any excavation has begun.
(d) ***Horizontal Axis Rotor*** means *a* wind energy conversion system, typical of conventional or traditional windmills.
(e) ***Rotor's Arc*** means the largest circumferential path travelled by a Wind Energy Facility (WEF) Blade.
(f) ***Total Height*** means the height from grade to the highest vertical extension of a Wind Energy Facility. In the case of a Wind Energy Facility (WEF) 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.
(g) ***Towers*** mean the structure which supports the rotor above grade.
(h) ***Strobe or Flicker Effect*** means the repetitive moving shadows or reflection cast by the rotor blades as the cut through the sun or sunlight.
(i) ***Vertical Axis Rotor*** means a Wind Energy Facility (WEF) where the rotor is mounted on an axis perpendicular to the earth's surface.
(j) ***Wind Energy Facility (WEF)*** means a wind energy generator is one or more structures designed to convert wind energy into mechanical or electrical energy.

(58) ***Yard*** means a part of a lot upon or over which no building is erected.

(a) ***Flankage*** means a yard on a corner lot extending from the front wall to the rear wall of the main building and lying between the street side line of the parcel and the side wall of the main building.
(b) ***Front*** means a yard extending across the full width of a lot measured from the street line of the said lot to the front wall of the main building situated on the lot.

(c) ***Rear*** means a yard extending across the full width of a lot measured from the rear wall of the main building situated on the lot to the rear line of the lot.

(d) ***Side*** means a yard extending from the front wall of the main building situated on the parcel to the rear wall of the main building and lying between the side line of the parcel and the side wall of the main building.



PART II - ADMINISTRATIVE DUTIES AND RESPONSIBILITIES:

7. DEVELOPMENT OFFICER:

(1) The office of Development Officer is hereby established and shall be filled by a person to be appointed by resolution of Council.
(2) Pursuant to the Act, the Development Officer is hereby declared to be a Development Authority.
(3) The Development Officer shall not be discharged without just cause.
(4) The Development Officer shall:

(a) assist and advise the Council and the public with respect to the requirements of the Land Use By-Law and other pertinent legislation to the best of his ability;
(b) keep and maintain for the inspection of the public during office hours a copy of this By-Law and all amendments thereto and ensure that copies of the same are available to the public at a reasonable charge set by Council from time to time;
(c) provide a list of all Applications to the secretary of the Municipal Planning Commission prior to each meeting, including those which have been approved under Sub-section (5);
(d) keep a register of all Applications for development, including decisions thereon and the reasons therefore.

(5) The Development Officer shall review all completed Applications for a Development Permit and shall:

(a) approve all Applications which constitute a "*Permitted Use*" in a Land Use District and comply in all respects to the minimum standards of that district;
(b) consider and decide on all Applications which constitute a "*Class I Discretionary Use*" in a Land Use District and comply in all respects with the standards of that district. The Development Officer may approve such Applications with or without conditions;
(c) refer, with his recommendations, to the Municipal Planning Commission all Applications for Development Permits involving:

(i) Class II Discretionary Uses,
(ii) variances from the relevant development standards,
(iii) those matters requiring the specific approval of the Municipal Planning Commission pursuant to this By-Law,
(iv) any other matter which in the opinion of the Development Officer does not comply with the intent of the relevant provisions of this By-Law;

(d) refuse all other Applications, but the Development Officer may exercise his discretion and refer to the Municipal Planning Commission any application for a Development Permit which he feels should receive the Municipal Planning Commission's decision;
(e) refer to the Council of incorporated municipalities for comments, copies of all Applications for "*Class II Discretionary Uses*" within the Urban Fringe District and the Airport Protection District surrounding their incorporated boundaries. If comments on the Application are not received from the municipality concerned within twenty one (21) days from the date of receipt, the Development Officer

shall refer the Application to the Municipal Planning Commission as though the municipality had no comments on the Application;

(f) refer any Application for Development Permits to any agency or person for comments as required by the Sub-division and Development Regulation or when deemed appropriate.

8. PLANNING ADVISOR:

(1) The office of Planning Advisor is hereby established and shall be filled by a person or persons to be appointed by resolution of Council.

(2) Pursuant to the Act, the Planning Advisor is hereby declared to be a Sub-division Authority.

(3) The Planning Advisor shall:

(a) assist and advise the Council and the public with respect to the requirements of the Land Use By-Law and other pertinent legislation to the best of his ability;

(b) keep and maintain for the inspection of the public during office hours a copy of this By-Law and any adopted statutory plans and all amendments thereto and ensure that copies of the same are available to the public at a reasonable charge set by Council from time to time;

(c) provide a list of all complete Sub-division Applications to the secretary of the Municipal Planning Commission prior to each meeting, including those which have been approved under Sub-section (4)(c);

(d) keep on file in his office and make available for inspection by the general public during office hours a register of all Sub-division Applications including the decisions therein, for a minimum period of ten years.

(4) The Planning Advisor shall receive all completed Applications for Sub-division and shall:

(a) refer for comments any application which meet the requirements of the Land Use By-Law to any agency or person when deemed appropriate or as required under the Sub-division and Development Regulation;

(b) refer to the Councils of incorporated municipalities, any Applications for Class II Discretionary Uses within their respective Urban Fringe District as shown in Schedule A. If comments on the Application are not received from the municipality concerned within twenty one (21) days from the date of mailing, the Planning Advisor shall refer the Application to the Municipal Planning Commission as though the municipality had no comments on the Application;

(c) consider and decide upon all Applications with or without conditions considered pursuant to Section 652(4) of the Act when

(i) the parcel is described in a Plan of Sub-division that was registered in a land titles office before July 1, 1950, and

(ii) if the parcel of land contains two or more lots one or more of which is less than 8 hectares in area.

(d) subject to ratification by the Municipal Planning Commission, consider and decide upon all applications which comply in all respects to the Land Use By-Law;

(e) refer to the Municipal Planning Commission, with a recommendation, all other

completed Applications for Sub-division which do not meet the requirements of the Land Use By-Law.

9. MUNICIPAL PLANNING COMMISSION:

(1) The Municipal Planning Commission, with the assistance of a Development Officer, shall administer this By-Law.

(2) The Municipal Planning Commission is hereby delegated the power to make decisions with respect to Applications for Development Permits and Sub-divisions pursuant to the Municipal Planning Commission By-Law.

(3) The Municipal Planning Commission shall consider and decide upon all Development Applications referred to them by the Development Officer or Sub-divisions referred to them by the Planning Advisor and may:

(a) approve the Applications unconditionally;
(b) approve the Applications subject to conditions considered appropriate;
(c) refuse the Application.

(4) The Municipal Planning Commission is authorized to waive or vary development standards notwithstanding that the proposed development does not comply with this By-Law if in the opinion of the Municipal Planning Commission

(a) the proposed development would not

(i) unduly interfere with the amenities of the neighbourhood; or
(ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties;

(b) the proposed development conforms with the use prescribed for that land or building in the Land Use By-Law; and
(c) the proposed development complies with any adopted statutory plans.

10. SUB-DIVISION AND DEVELOPMENT APPEAL BOARD:

(1) The powers, duties and responsibilities of the Appeal Board with respect to this By-Law are those established in the Forty Mile Inter-municipal Sub-division and Development Appeal Board By-Law.

11. ESTABLISHMENT OF FEES AND FORMS:

(1) Council may from time to time establish by resolution such fees and Application forms as may be required for the purpose of this By-Law.

PART III - PROCEDURE FOR DEVELOPMENT PERMITS:

12. DEVELOPMENT REQUIRING A PERMIT:

(1) Subject to Section 18, no development shall be undertaken within the County of Forty Mile No. 8 unless a Development Permit has been obtained from the Development Officer or Municipal Planning Commission.

13. DEVELOPMENT NOT REQUIRING A PERMIT:

(1) No Development Permit is required for the following:

(a) the cultivation or grazing of land;
(b) development of haystacks, portable granaries, and permanent farm buildings under 45 square metres (500 square feet) which comply with established setbacks;
(c) the carrying out of work of maintenance or repair to any building, provided that such works do not include changes to the Building Envelope;
(d) the erection, construction, or the maintenance of gates, fences, walls or other means of enclosure less than 2 metres (6.5 feet) in height, provided that the erection of such fence, wall or gate does not contravene any other portion of this By-Law;
(e) the use, erection or construction of temporary buildings used for a development authorized by a Development Permit, for the period of construction;
(f) the construction or maintenance of that part of a public utility placed in or upon a public utility easement;
(g) the use of a building or part thereof as a temporary polling station or temporary campaign headquarters for a Federal, Provincial or Municipal referendum or election.

14. PERMISSION FOR DEVELOPMENT:

(1) An Application for a Development Permit shall be made to the Development Officer in writing in the prescribed form and shall be accompanied by:

(a) a site plan, in duplicate showing:

(i) the lot boundaries, and
(ii) the location of all existing and proposed building or uses of the land, and
(iii) the existing and proposed access points to the site, and
(iv) location of all sloughs, steep slopes, irrigation ditches, canal or other water course on or adjoining the site, and
(v) the expected commencement or completion dates, and
(vi) any additional information the Development Officer considers necessary for processing and evaluating the Application.

(b) A non-refundable processing fee, as established by Council from time to time.

(2) The Development Officer shall receive the Application and in accordance with the duties specified in this By-Law make his decision, or refer the Application to the Municipal Planning Commission for its decision.
(3) An Application for a Development Permit shall, at the option of the Applicant be

deemed to be refused when a decision is not made on it by the Development Officer or the Municipal Planning Commission within 40 days of the receipt of a complete Application. The Applicant may then appeal in writing as provided for in this By-Law.

(4) Any permission for a Development Permit shall be subject to the Applicant entering into a satisfactory servicing agreement with the County with regard to such services as the County considers necessary.

(5) The issuance of a Development Permit does not mean that the Applicant is not required to comply with other by-laws and regulations affecting the development in question.

(6) If a development authorized by a Development Permit is not commenced within 12 months of the approval, or carried out with reasonable diligence, the Permit shall be deemed to be void unless otherwise authorized by the Development Officer or Municipal Planning Commission pursuant to Sub-section (7).

(7) A time extension for the validity of a Development Permit may be granted for a period of up to one year by the Development Officer for Permitted and Class I Discretionary Uses or by the Municipal Planning Commission for all Permitted or Discretionary Uses.

15. SUITABILITY OF SITES:

(1) Notwithstanding that a use of land may be permitted or discretionary or considered similar in nature to a permitted or discretionary use in a land use district, the Sub-division Authority may refuse to approve the sub-division of a lot and the Development Authority may refuse to issue a Development Permit if, the Authority is made aware or if in their opinion, the site of the proposed building or use is not safe or suitable based on the following:

(a) does not have safe legal and physical access to a maintained road in accordance with municipal requirements or those of Alberta Transportation if within 300 metres (984 feet) of a Provincial Highway;
(b) has a high water table which makes the site unsuitable for foundations and/or sewage disposal systems in accordance with Provincial regulations;
(c) is situated on an unstable slope;
(d) consists of unconsolidated material unsuitable for building;
(e) is situated in an area which may be prone to flooding, subsidence or erosion;
(f) does not comply with the requirements of the Provincial Land Use Policies, Sub-division and Development Regulation, Municipal Development Plan or applicable area structure plan;
(g) is situated over an active or abandoned coal mine or oil or gas well or pipeline;
(h) would expose the structure itself and/or people living and working there to risk from the operations of a nearby airstrip;
(i) is unsafe due to contamination by previous land uses;
(j) has an inadequate or unsafe water supply;
(k) is incompatible with all existing and approved use of surrounding land;
(l) is situated closer to a confined feeding operation than the Minimum Distance Separation recommended by the Natural Resources Conservation Board (NRCB);
(m) would materially interfere with the natural and economic expansion of an existing agricultural operation or its proposed expansion;
(n) does not meet the lot size and/or setback requirements of this By-law;
(o) would prevent or interfere with the natural and economic extension of a nearby

developed area, a coal mine, an oil or gas field, a sewage treatment plant, a waste disposal or transfer site, a gravel pit, a pipeline or a road system; or

(p) is subject to any easement, caveat, restrictive covenant or other registered encumbrance which makes it impossible to build on the site.

(q) Nothing in this section shall prevent the Sub-division Authority from approving a lot or prevent the Development Authority from issuing a Development Permit if the Authority is satisfied that there is no risk to persons or property or that these concerns will be met by appropriate engineering measures

(2) **CONDITIONS OF APPROVAL:**

Permitted Uses:

(a) Notwithstanding that a use of land may be permitted in a land use district, the Development Authority may place any of the following conditions in addition to a Development Agreement on the Development Permit to ensure any concerns over the suitability of the development are satisfied:

(i) geotechnical investigation/tests to ensure the site is suitable in terms of topography, soil characteristics, flooding subsidence, erosion and sanitary sewerage servicing;

(ii) will be legally and physically accessible to a municipal road or if within 300 metres (984 feet) of a Provincial highway will meet the requirements of Alberta Transportation;

(iii) alteration of structure or building size or location to ensure any setback requirements of this Land Use By-law or the Sub-division and Development Regulation can be met;

(iv) any measures to ensure any other requirements of this Land Use By-Law are complied with;

(v) any measures to ensure applicable Provincial legislation such as the Safety Codes Act is complied with.

Discretionary Uses:

(a) The Development Authority may place any of the above conditions [Section 15(1)(a) through (e)] on a Development Permit for a Discretionary Use in any land use district to ensure that any concerns over the suitability of the development are satisfied, in addition to any other reasonable conditions to ensure the quality of a development and its compatibility with other existing and approved uses in the area.

16. PUBLIC NOTIFICATION - DEVELOPMENT PERMIT:

(1) When a Class I or II Discretionary Use Permit has been granted, the Development Officer:

(a) shall have a notice immediately published in a newspaper circulating in the municipality; stating the location of the property for which the Application has been made and the use approved.

(b) may issue a notice in writing to be mailed to all registered land owners who in the opinion of the Municipal Planning Commission may be affected.

(2) A decision of the Development Officer or the Municipal Planning Commission shall be given in writing and a copy of it sent to the Applicant.
(3) The Development Permit for Class I and II Discretionary Uses does not become effective until 14 days after notice of the decision is published in the newspaper. Any person commencing development prior to this 14 day appeal period does so at his own risk.
(4) When an Application has been refused, the decision shall contain reasons for the refusal.
(5) Notice of all permitted uses shall be periodically published in a newspaper serving in the municipality for information purposes only.

17. COMMENCEMENT OF DEVELOPMENT:

(1) Notwithstanding the issue of a Development Permit, no development authorized by the issue of a permit shall commence:

(a) until at least 14 days after notice of the issuance of the permit, in accordance with Section 686(1) of the Act, which shall be presumed to be effected 7 days from the date of mailing if the document is mailed in accordance with the Interpretation Act, Revised Statutes of Alberta 2000, Chapter I-8; or
(b) if an appeal is made, until the appeal is decided upon.
(c) any development occurring prior to the dates determined under Sub-sections (a) and (b) is entirely at the risk of the Applicant, developer or land owner.

18. APPEAL PROCEDURE:

(1) An appeal may be made to the Appeal Board where the Municipal Planning Commission or Development Officer:

(a) refuses or fails to issue a Development Permit within 40 days of receipt of a completed Application;
(b) issues a Development Permit subject to conditions;
(c) refuses a Development Permit;
(d) issues an order pursuant to the Act.

(2) Pursuant to the Act, an appeal may be made to the Appeal Board by any other person affected by an order, decision or Development Permit of the Municipal Planning Commission or Development Officer.
(3) An appeal must be served in writing to the Secretary of the Appeal Board within 14 days of notice of the decision appearing in a newspaper circulating in the municipality.
(4) Within 30 days of receipt of a notice of appeal, the Appeal Board shall hold a public hearing concerning the appeal.
(5) The Appeal Board shall give in writing at least 5 days' notice of the public meeting to:

(a) the Applicant;
(b) the Appellant;
(c) the Development Officer;
(d) the Municipal Planning Commission;
(e) the Planning Advisor; and
(f) any other person the Appeal Board considers affected by the appeal.

(6) In determining an appeal, the Appeal Board:

(a) shall comply with the Act, the Sub-division and Development Regulation, any statutory plan and subject to Clause (c), the Land Use By-Law in effect;
(b) may confirm, revoke or vary the order, decision or Development Permit or make or substitute an order, decision of its own;
(c) may make an order or decision or issue or confirm the issue of a Development Permit notwithstanding that the proposed development does not comply with the Land Use By-Law if in its opinion,

(i) the proposal will not:

A. unduly interfere with the amenities of the neighbourhood, or
B. materially interfere with or affect the use, enjoyment or value of the neighbouring properties,

(ii) and the proposed development does not conflict with the use prescribed for that land or buildings in the Land Use By-Law.

(7) The Appeal Board shall give its decision together with the reasons for its decision within 15 days of the conclusion of the hearing.
(8) A decision of the Appeal Board is final and binding on all parties and all persons and is only subject to appeal on points of law.

19. SUBSEQUENT APPLICATIONS:

(1) If an Application for a Development Permit is refused by the Development Officer, the Municipal Planning Commission or, on appeal by the Sub-division and Development Appeal Board, another Application for a development on the same lot, and for the same or similar use, may not be made for at least 6 months from the date of refusal.
(2) If a land use by-law amending by-law is defeated by Council, another amending by-law for the same or similar purpose may not be made for at least six months from the date of the by-law defeat.

20. PERMIT VALIDITY:

(1) Except where varied for Wind Energy Facilities pursuant to Section 81 (17) (a) {Page 82}, unless a Development Permit is suspended or cancelled, a Development Permit remains in effect for 12 months after the date of its issue.
(2) The validity of a Development Permit may be extended:

(a) by the Development Officer or the Municipal Planning Commission, if the Development Officer issued it; or
(b) by the Municipal Planning Commission, if the Municipal Planning Commission issued it;
(c) Except where varied for Wind Energy Facilities pursuant to Section 81 (17), {Page 82}, for up to 18 months from the date of its issue.

(3) When any use has been discontinued for a period of 24 months or more, any Development Permit that may have been issued 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 by-law and a permit was never issued, an Application for a Development Permit must be made and a valid Development Permit issued.

21. PERMITS – TRANSFERABLE:

(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) In the case of non-residential uses and ancillary uses, when the use has been discontinued for a period of two years or more, any Development Permit that may have been issued 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.

22. STOP ORDER:

(1) The Development Officer is authorized to issue an Order under Section 645 of the Act whenever he considers it necessary to do so.

23. SIMILAR USES:

(1) Where an Application is made for any use not specifically allowed in a land use district, but is reasonably similar in character and purpose to a permitted or Discretionary Use in that district, the Municipal Development Commission may:

(a) rule that the proposed use may be allowed with or without conditions; and
(b) issue a Development Permit in accordance with Sections 12 through 17, as the case may be.

24. TEMPORARY USES:

(1) Where, in the opinion of the Development Officer or Municipal Planning Commission, a proposed use is of a temporary nature:

(a) they may issue a temporary Development Permit valid for a period specified by the Development Officer or Municipal Planning Commission, but which may not exceed beyond five years;
(b) it shall be a condition of every temporary Development Permit that the municipality shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period;
(c) the Development Officer may require the developer(s) to post a bond guaranteeing the cessation or removal of work at the end of the period;
(d) the use must be a permitted or discretionary use.

25. CONTRAVENTION, ENFORCEMENT AND PENALTIES:

(1) *GENERAL REGULATIONS*:

(a) No person shall contravene or permit a contravention of this By-Law.
(b) No person shall commence or undertake a development or use that is not permitted in this By-Law.
(c) No person shall contravene a condition of a permit issued under this By-Law.
(d) A Development Authority may enforce the provisions of the Act as amended from time to time and its regulations, the conditions of a permit or sub-division approval, and this By-Law. Enforcement may occur through a warning notice of violation, stop orders, or any other authorized action necessary to ensure compliance.

(2) *RIGHT OF ENTRY*:

(a) A Development Authority is required to provide forty-eight (48) hours notice to the owner or occupant of a property, in accordance with the Act as amended from time to time, prior to entering a property to determine if By-Law requirements are being met.
(b) A Development Authority may enter a property at reasonable times (generally interpreted to mean between the hours of 7:00 A.M. and 10:00 P.M.) to determine if By-Law requirements are being met.
(c) A person shall not prevent or obstruct a Development Authority from carrying out any official duty under this By-Law. If consent to enter a property is not provided, the County of Forty Mile No. 8 may apply for an authorizing order.

(3) *WARNING NOTICE*:

(e) A Development Authority may issue a warning notice outlining the nature of the violation, corrective measures that must be taken, and the deadline for the completion of the corrective measures.

(4) *OFFENCES AND FINES*:

(a) A person who violates the provisions of this By-Law or permits a contravention of this By-Law is guilty of an offence and is liable to a fine for a first offence and each subsequent offence as specified by Council.
(f) If a fine payment is not made in accordance with Section 4(a), the person is liable for imprisonment for not more than one year.

(5) *STOP ORDERS*:

(a) Upon determination that a development, land use, or use of a building is not in compliance with the Act as amended from time to time or its regulations, this By-Law and its regulations, or a development permit or sub-division approval or the conditions of either, the Development Authority may by written notice direct the owner of the property, the person in possession of the land or building, or the person responsible for a contravention to:

(i) stop the development or use of the land or building in whole or part as

directed by the notice,
(ii) demolish, remove, or replace the development or landscaping or,
(iii) carry out any other actions required by the notice for compliance.

(b) The notice shall specify a deadline for compliance.

(6) APPEAL OF STOP ORDERS:

(g) A person named in a stop order may appeal to the Sub-division and Development Appeal Board.

(7) *ENFORCEMENT OF STOP ORDERS*:

(a) In accordance with Section 542 of the Act as amended from time to time, if a person fails to comply with the Order of a Development Officer, a Development Authority, or the Sub-division and Development Appeal Board, a designated officer may enter on the land or building and take any action necessary to carry out the order.
(b) The County may register a Caveat against the Certificate of Title for the land that is subject to the stop order, provided that the Caveat is discharged when the Order's requirements have been fulfilled.
(c) The County's costs of carrying out any actions required for compliance with a stop order may be added to the taxroll of the land subject to the order.

26. AMENDING THE BY-LAW:

(1) A person may apply to have this By-Law amended, by applying in writing, giving reasons in support of the Application and paying a fee as determined by the Council.
(2) Council may at any time initiate an amendment to this By-Law by directing the Development Officer to initiate an Application.
(3) All Applications to amend the By-Law shall be on the prescribed form and shall include:

(a) the fee as set by Council from time to time; and
(b) a Duplicate Certificate of Title of the land;
(c) a drawing of the proposed area to be amended.

(4) Where the Council is of the opinion that a By-Law amendment is applicable to and for the benefit of the County at large, the Council may direct that the fee be returned to the Applicant.
(5) All amendments to this By-Law shall be made by Council by By-Law and in conformance with the Act.

PART IV – SUB-DIVISION PROCEDURES:

27. REQUIREMENT FOR A SUB-DIVISION:

(1) Land Titles Office will not accept for registration an instrument that has the effect or may have the effect of sub-dividing a parcel of land unless the sub-division has been approved by a Sub-division Authority.

(2) Notwithstanding Sub-section (1) but subject to Sub-section (4), a sub-division is not required if registration of the instrument results in the issuing of one or more Certificates of Title and the parcel of land described in each Certificate of Title so issued would consist only of any or all of the following:

(a) a quarter section;
(b) a river lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;
(c) a lake lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;
(d) a settlement lot shown on an official plan, as defined in the Surveys Act, that is filed or lodged in a land titles office;
(e) a part of the parcel of land described in the existing Title if the boundaries of the part are shown and delineated on a plan of Sub-division;
(f) a parcel of land created pursuant to a by-law passed by a municipality under Section 665 of the Act.

(3) For the purpose of Sub-section (2), a parcel of land is deemed to be a quarter section, river lot, lake lot, or settlement lot if the parcel of land would consist of a quarter section, river lot, lake lot or settlement lot except that land has been removed from the parcel of land by a sub-division effected only for a purpose referred to in the Act or by a plan of sub-division or any other instrument that effected a sub-division.

(4) A sub-division is required for registration of a separation instrument or Caveat that has the effect or may have the effect of sub-dividing a parcel of land

(a) if the parcel of land is described in a plan of sub-division that was registered in a land titles office before July 1, 1950; and
(b) if the parcel of land contains two or more lots one or more of which is less than 8.0 hectares in area.

28. SUB-DIVISION APPLICATION:

(1) A person may apply to the Planning Advisor for Sub-division Approval in accordance with the Sub-division and Development Regulations by submitting a proposed plan of sub-division or other instrument that describes the sub-division.

29. PLANS AND INFORMATION REQUIRED:

(1) One (1) copy of the completed and signed Application form which includes a section in which the Applicant for sub-division approval may or may not consent to the municipality or its delegate carrying out an inspection at a reasonable time of the land that is the subject of the Application.

(2) An Application Fee to be determined from time to time by resolution of Council.

(3) One (1) copy of the current Duplicate Certificate of Title for the land proposed for sub-division.

(4) In the case of a sub-division proposal with not more than one new lot, and no public roadways or reserve lots, a sketch plan consisting of the following is required:

(a) the location, dimensions and boundaries of the land to be sub-divided;
(b) the location, dimensions and boundaries of each new lot to be created;
(c) the location and dimensions of buildings, utilities, underground storage tanks and other improvements on the land that is the subject of the Application and specifying those buildings and improvements that are proposed to be demolished or moved;
(d) the use proposed for the land that is the subject of the Application;
(e) the method for provision of sewer and water to the proposed parcel.

(5) In the case of a Sub-division Application involving more than two lots, a proposed plan of sub-division drawn by a Land Surveyor to a scale of not less than 1:2000, consisting of the following is required:

(a) the location, dimensions and boundaries of the land to be sub-divided;
(b) the land which the applicant wishes to register in the Land Titles Office;
(c) the location, dimensions and boundaries of

(i) each new lot to be created,
(ii) the reserve land, if any,
(iii) all rights-of-way and easements;

(d) the location and dimensions of buildings and improvements on the land that is the subject of the Application and specifying those buildings or improvements that are proposed to be demolished or moved;
(e) the location of any existing or proposed railway lines or spur tracks;
(f) the use or uses proposed for the land that is the subject of the Application;
(g) the method for provision of sewer and water to the proposed parcel.

30. TIME PERIOD FOR MAKING DECISIONS:

(1) A decision on an Application for sub-division must be made within

(a) 21 days from the date of receipt of a completed Application under Section 21(4) of the By-Law or;
(b) 60 days from the date of receipt of all other Applications;

(2) Unless an agreement to extend the time has been entered into with the Sub-division Authority within 14 days of the time prescribed.

(3) When an Applicant refuses to enter into a time extension agreement, the Application is deemed refused and the applicant may appeal to the Sub-division and Development Appeal Board.

31. PUBLIC NOTIFICATION – SUB-DIVISION APPLICATIONS:

(1) On receipt of an Application for Sub-division Approval, the Planning Advisor must

give a copy of the Application to the Government Departments, persons and local authorities required by the Sub-division and Development Regulations.

(2) On receipt of an Application for Sub-division Approval, the Planning Advisor must give notice of the Application to owners of land located adjacent to the land that is the subject of the Application.

(3) The notice under Sub-section (2) must describe the nature of the Application, the method of obtaining further information about the Application and the manner in which and time within which written submissions may be made to the Sub-division Authority.

(4) A Sub-division Authority when considering an Application under this section:

(a) must consider the written submissions of those persons and local authorities to whom an Application for Sub-division Approval or Notice of Application was given in accordance with this section, but is not bound by the submissions unless required by the Sub-division and Development Regulations; and

(b) is not required to hold a hearing.

32. CONDITIONS OF SUB-DIVISION APPROVAL:

(1) A Sub-division Authority may impose conditions to ensure that the requirements of the Act, the regulations, the statutory plans and the by-law are complied with.

(2) A Sub-division Authority may impose a condition requiring the applicant to enter into a Development Agreement with the County for:

(a) construction of a public roadway required to give access to the Development; or

(b) the installation of utilities necessary to serve the Development; or

(c) an Off-site Levy or Re-development levy under the Act.

(3) The Development Agreement pursuant to Sub-section (2) may, at the option of the County, be registered in the Land Titles Office in the form of a Caveat against the Certificate of Title for the land that is the subject of the Development Agreement.

(4) A Caveat registered pursuant to Sub-section (2) shall be discharged by the County when the requirements and conditions of the Agreement have been met.

33. RIGHT OF APPEAL:

(1) A decision of a Sub-division Authority must state:

(a) whether an appeal lies to the Sub-division and Development Appeal Board or to the Municipal Government Board; and

(b) if an Application for Sub-division Approval is refused, the reasons for the refusal.

(2) The decision of a Sub-division Authority may be appealed by:

(a) the applicant for the approval;

(b) a government department which is entitled to a referral under Section 31(1) of the By-Law;

(c) a school authority with respect to the allocation, location, or amount of school reserve.

(3) An appeal may be commenced by filing a Notice of Appeal with the appropriate appeal body within 14 days of receipt of the written decision of the Sub-division Authority (deemed to be 5 days from the date the decision is mailed), or the date that the Application is deemed refused.

34. SUBSEQUENT APPLICATIONS:

(1) If an Application for Sub-division Approval is refused, the Sub-division Authority may refuse to accept for consideration with respect to the same land or part of the same land, a further Application for Sub-division Approval submitted to it within the 6-month period after the date of the Sub-division Authority's decision to refuse the Application.

35. ENDORSEMENT OF FINAL PLANS AND SEPARATION DOCUMENTS:

(1) An Applicant for sub-division approval must submit to the Planning Advisor the plan of sub-division or other instrument that effects the sub-division within one year of the latest of the following dates:

(a) the date on which the sub-division approval is given to the Application;
(b) if there is an appeal to the Sub-division and Development Appeal Board or the Municipal Government Board, the date of that Board's decision or the date on which the appeal is discontinued;
(c) if there is an appeal to the Court of Appeal under the Act, the date on which the judgment of the Court is entered or the date on which the appeal is discontinued;

(2) On being satisfied that a plan of sub-division or other instrument complies with a sub-division approval and that any conditions imposed have been met or will be met, the Sub-division Authority must endorse the plan or other instrument in accordance with the Sub-division and Development Regulations.

36. VALIDITY OF SUB-DIVISION APPROVALS:

(1) If the plan of sub-division or other instrument is not submitted to the Sub-division Authority within the time prescribed by Section (36) or any longer period authorized by the Council, the Sub-division Approval is void.
(2) If the plan of sub-division or other instrument is not registered in Land Titles Office within one year after the date on which it is endorsed pursuant to this section or within the extended period prescribed under Sub-section (1), the sub-division approval of the plan or instrument and the endorsement are void and the plan or instrument may not be accepted by a Registrar for registration.
(3) Sub-division Authority may extend the periods referred to in Sub-section (1) and (2).

PART V - GENERAL LAND USE REGULATIONS:

37. BUILDING DESIGN, CHARACTER AND APPEARANCE:

(1) The Development Officer or Municipal Planning Commission may impose conditions to ensure:

(a) that the design, character and appearance of a building is compatible with other buildings in the vicinity unless it is setting a new standard of design, character and appearance for the land use district or a particular locality of it;
(b) that the design, character and appearance of the building is consistent with the purpose of the land use district in which the building is located;
(c) that a development complies with any provision of a statutory plan applicable to the design, character and appearance of the building in the district.

38. CERTAINTY OF USE:

(1) Where an Application is for a Permitted Use in the land use district for which the parcel is designated, the Application shall not be refused by the Development Officer or Municipal Planning Commission on grounds of use only.

39. COMPLIANCE WITH OTHER LEGISLATION:

(1) Nothing in this By-Law affects the duty or obligation of a person:

(a) to obtain any other permit, licence or other authorization required by any Act or regulation, or under any by-law;
(b) to comply with the conditions of any easement, covenant or agreement affecting the building or land.

40. DEVELOPMENT STANDARDS FOR MOBILE HOMES IN HAMLETS:

(1) Where piped sewer service is available, the development must connect to the system. Where sewer is not available, the lot must be of sufficient size to permit the installation of a septic tile field.
(2) It is a requirement that mobile homes be placed on a permanent foundation which may consist of concrete piers, grade beam on piers, or a concrete foundation.
(3) Minimum floor area - 67 square metres
(4) Mobile homes shall meet the following criteria:

(a) be new factory-built units, or used factory-built units in good state of repair, AND
(b) have all mobile hardware removed,
(c) be constructed no earlier than 1985 and be CSA (Canadian Standards Association) certified,
(d) be skirted to the satisfaction of the Development Officer,
(e) have additions which are of a design and finish which will complement the Mobile Home unit.

(5) The Development Officer may require special standards to improve the quality and

compatibility of any proposed development such as, but not limited to, architecture, landscaping, setback variations, exterior building finishes, paved parking areas, and access.

41. DEVELOPMENT STANDARDS FOR MOVED-IN BUILDINGS IN HAMLETS:

(1) Any Application for a "*moved-in*" building is subject to all conditions and regulations specified under the applicable land use district, and in addition, shall:

(a) be accompanied by recent colour photographs of the structure;
(b) a report from an Accredited Safety Codes Inspection Agency that the dwelling will meet the requirements of the Alberta Uniform Building Standards Act, and if it does not, how the dwelling can be brought up to these requirements within the time limit established by the Development Officer.

(2) Where the Applicant is anxious to receive approval and is prepared to pay a $500.00 fee to defray meeting costs, a special meeting of the Municipal Planning Commission may by convened to consider, an Application.

(3) The standards to which the building shall comply shall be established by the Development Authority at the time of approval of the Application, and shall be included in the conditions of the Development Permit. A performance bond of not less than $2,000.00 may be requested by the Municipal Planning Commission.

42. DWELLING UNITS ALLOWED ON A PARCEL:

(1) No person shall construct or cause to be constructed, or placed, more than one dwelling or mobile home on a parcel of land except where:

(a) in the opinion of the Development Authority either

(i) the building is clearly designed to be divided into more than one dwelling, or
(ii) the development of the parcel is clearly designed to include more than one dwelling,

and
(b) the use conforms to the uses prescribed in the District in which the parcel is located; and
(c) the development complies with the provisions of this Land Use By-Law; and
(d) a Development Permit is issued for the use.

(2) Notwithstanding Section (1), the Development Authority may issue to an immediate family member or an employee involved in the operation of the farm or ranch a Development Permit to construct a dwelling or place a mobile home that would be a second or additional dwelling or mobile home on a parcel of land if:

(a) the parcel of land contains at least 80 acres (32.38 Hectares) on which farming or a confined feeding operation approved by the County is the principle use of the parcel of land; or
(b) the parcel of land contains less than 80 acres (32.38 Hectares) on which a confined feeding operation approved by the County is the principle use of the parcel of land.

(3) The Municipal Planning Commission may approve a temporary residence to be placed on a parcel where the second dwelling unit is:

(a) to be occupied by a person who is an immediate family member to the Registered Owner of the land and needs to be near for medical reasons; and
(b) a mobile home connected where practical to the same utilities as the main residence.

(4) For the purposes of Sub-sections (2) and (3), '*Immediate family member*' means any of the following relations of a landowner: parent, grandparent, grandchild, son, daughter, brother or sister.

43. GENERAL MAINTENANCE:

(1) All sites at all times shall be maintained clean and free from waste and debris.
(2) All doors and windows shall open within the bounds of the site.
(3) All roof drainage shall be directed onto the lot or as required by the Approving Authority.

44. GRAVEL PIT PERMIT:

(1) In Land Use Districts where gravel pits are a Discretionary Use, the operator or lessee shall only be required to obtain one such permit to develop the site area as described within the site plan during the life of each site location.

45. KEEPING OF LIVESTOCK ON COUNTRY RESIDENTIAL PARCELS:

(1) On country residential and agricultural parcels containing less than 40 acres, the number of livestock permitted without a Development Permit shall not exceed 1 livestock manure equivalent per acre. The number of animals equivalent to 1 livestock manure equivalent shall be in accordance with the following table:

Kind of Animal		**No. of Animals**
Cattle:	Dairy Cows	0.8
	Cows or bulls	1.0
	Feeder cattle	1.5
	Replacement heifers	2.0
	Calves	5.0
Swine:	Sows-farrow to weaning (includes gilts suckling 18 kg [40 lbs.])	3.0
	Feeder hogs (54 kg [120 lbs.])	5.0
	Weaner Hogs (less than 20 kg [40 lbs])	15.0
	Sow, Farrow to Finish	0.5
Poultry:	Hens, cockerels	125.0
	Chicks, broilers	250.0
	Turkey hens, heavies	75.0
	Turkey toms, heavies	50.0
	Turkey broilers	100.0
Sheep:	Rams or ewes plus lambs	5.0
	Lambs	12.0

Horse	1.0
Kind of Animal	**No. of Animals**
Mink	80.0
Rabbits	40.0
Ostriches	5.0
Llamas	2.0
Elk	1.5
Bison	1.0

Livestock Manure Unit equivalency for other species will be calculated on the basis of live weight.

(2) On any parcel located adjacent to an urban municipality or a Country Residential or Hamlet General District, the enclosure of more than 5 animal units in confinement at a density higher than 90 m2 per animal unit for more than 30 days shall not generally be permitted within 300 metres of a residence.

(3) The keeping of livestock not in accordance with Sub-section 45(1) or 45(2) shall only be allowed upon issuance by the Planning Commission of a Development Permit which makes provision for the maintenance of the animals and the disposal of manure in a manner that maintains the amenities of adjacent properties.

46. DOG BREEDING AND BOARDING KENNELS:

(1) The keeping of more than three dogs on a property shall constitute the existence or operation of a kennel, for which a Development Permit is required. In determining the number of dogs, pups less than four months of age shall not be included.

(2) Dog breeding and boarding kennels shall not be permitted closer than 200 metres (650 feet) from another residence or within 50 metres (160 feet) of an adjacent property line. Exceptions may be made when a primary highway or secondary road bisects the 200 metres separation distance.

(3) The Development Authority may regulate the hours that dogs are allowed outdoors.

(4) Pens, rooms, exercise runs and holding stalls may be soundproofed to the satisfaction of the Development Authority.

(5) A minimum amount of exercise area shall be provided with each dog, as follows. All exterior exercise areas (runs) shall be enclosed with a perimeter fence of sufficient height to accommodate the chosen breed. The fence shall be imbedded in the ground or in concrete a sufficient depth to prevent animals from tunnelling underneath.

Size of Breed	**Area per Dog**	**Fence Height**
7 kg (15 lb. or less) (e.g. Chihuahua, Papillon, Pekinese, Pomeranian, Poodle, Shih-Tzu)	1.1 m^2 (12 ft^2)	1 metre (3 feet)
8 - 20 kg (18 - 44 lb.) (e.g. Sheltie, Terrier, Corgi, Welsh Springer)	2.3 m^2 (25 ft^2)	1.3 metres (4 feet)
21 - 36 kg (45 - 79 lb.) (e.g. Pointer, Samoyed, Siberian Husky)	4.6 m^2 (50 ft^2)	1.8 metres (6 feet)

Over 37 kg (80 lb.) (e.g. Great Dane, Mastiff, Rottweiler)	5.6 m^2 (60 ft^2)	1.8 metres (6 feet)

(6) All facilities shall meet public health regulations and be kept in a manner satisfactory to the health authority.

(7) All feces shall be buried or disposed of offsite.

(8) All permits issued by the Development Authority shall be time limited permits valid for a period not exceeding twelve (12) months from the date of issue. Upon expiry of the permit, if the Development Officer has evidence that the development does not meet the conditions of the original permit, then for purposes of renewal the development shall be considered as a new application.

47. NON-CONFORMING BUILDINGS AND USES:

(1) A non-conforming building or non-conforming use of land may be continued, however, if its use is discontinued for a period of 12 consecutive months or more, any future use of the land or building must comply with the provisions of the By-Law.

(2) Non-conforming buildings may not be re-built except to make the building conform to the regulations included in the Land Use By-Law then in effect or to conduct routine maintenance of the building. Additions and renovations may be allowed to non-conforming buildings provided they do not exceed twenty per cent (20%) of the total building area or contribute to the non-conformance of the building.

(3) A non-conforming use of part of a building may be extended throughout the building, whether the building is non-conforming or not.

(4) A non-conforming use of part of a lot shall not be extended or transferred to other parts of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.

48. NUISANCE GROUNDS OR LANDFILL SITES:

(1) In Land Use Districts where nuisance grounds or landfill sites are a Discretionary Use, the operator or lessee shall only be required to obtain one such permit to develop the site area as described within the Site Plan during the life of each site location.

49. OBJECTS PROHIBITED OR RESTRICTED IN YARDS:

(1) No person shall allow a motor vehicle which has all or part of its superstructure removed, or a motor vehicle which is in a dilapidated or unsightly condition to remain or be parked on a parcel in a residential district, or within 60 metres (200 feet) of a public roadway in an agricultural district unless it is suitably housed or screened to the satisfaction of the Development Officer.

(2) No person shall keep or permit in any Hamlet General, Hamlet Residential, Country Residential, or Recreation/Residential District:

(a) Any dismantled or wrecked vehicle for more than 14 successive days;

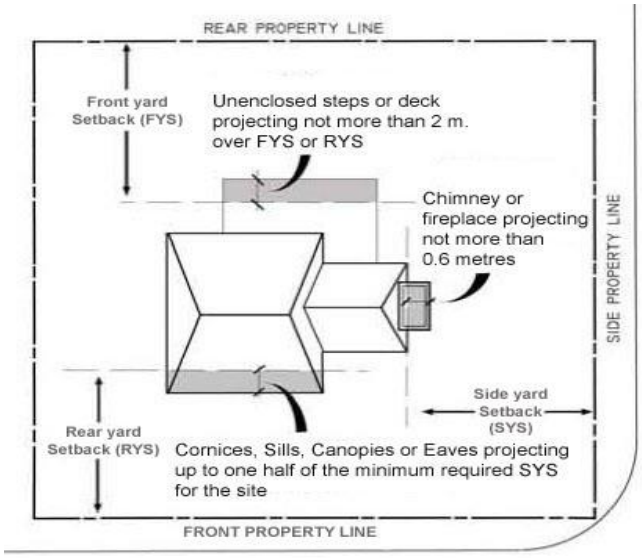
(b) Any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the district;

(c) The storage of materials used in the construction of a development beyond the period which in the opinion of the Development Officer is necessary for completion of a particular stage of construction work.

(3) One commercial vehicle of not more than 1 ton capacity may be parked on a site in any residential district.
(4) One recreational vehicle may be parked on a lot in any residential district.
(5) A recreational vehicle parked on a lot in any district shall not be used for permanent living or sleeping accommodation unless it is parked in a licenced trailer court.

50. PROJECTION OVER SETBACKS:

(1) Except as provided in this part, no portion of the principal building shall project over on the minimum setbacks as required by the land use district regulations.



(2) Those portions of and attachments to a principal building which may project over or on a minimum setback are:

(a) cornices, sills, canopies or eaves which project for a distance not exceeding one half of the minimum side yard required for the site;
(b) a chimney or fireplace which projects 0.6 metres or less provided that it is at least 1 metre from the property line;
(c) unenclosed steps which project not more than 2 metres over a minimum front or rear yard, and not more than .5 metres over a minimum side yard.

51. PROTECTION FROM HAZARDS:

(1) The location of anhydrous ammonia or liquified petroleum gas storage tanks shall be in accordance with the requirements of the Municipal Planning Commission, and for tanks:

(a) over 9,200 litres (2,404 gallons) - must be at least 120 metres (394 feet) from all residential, commercial or public buildings; and
(b) under 9,100 litres (2,404 gallons) - shall comply with the Gas Code Regulation.

(2) Flammable liquid storage tanks at bulk plants or service stations shall be located in accordance with the Alberta Fire Code.
(3) Setback from pipelines shall be at the discretion of the Municipal Planning Commission and in accordance with the Pipelines Act.

52. SCREENING OF STORAGE YARDS:

(1) The Development Officer or Municipal Planning Commission may prescribe or approve screening for any use which involves storage of goods, machinery, vehicles, building materials, waste materials, and other similar uses.

53. SETBACKS FROM GAS AND OIL WELLS:

(1) An Application for sub-division or development must not be approved if it would result in development within 100 metres of an active gas or oil well unless the development would be within a lesser distance approved in writing by the Alberta Energy and Utility Board.

(2) For purposes of this section, distances are measured from the well head to the building or proposed building site.

54. SETBACKS FOR IRRIGATION PIVOTS:

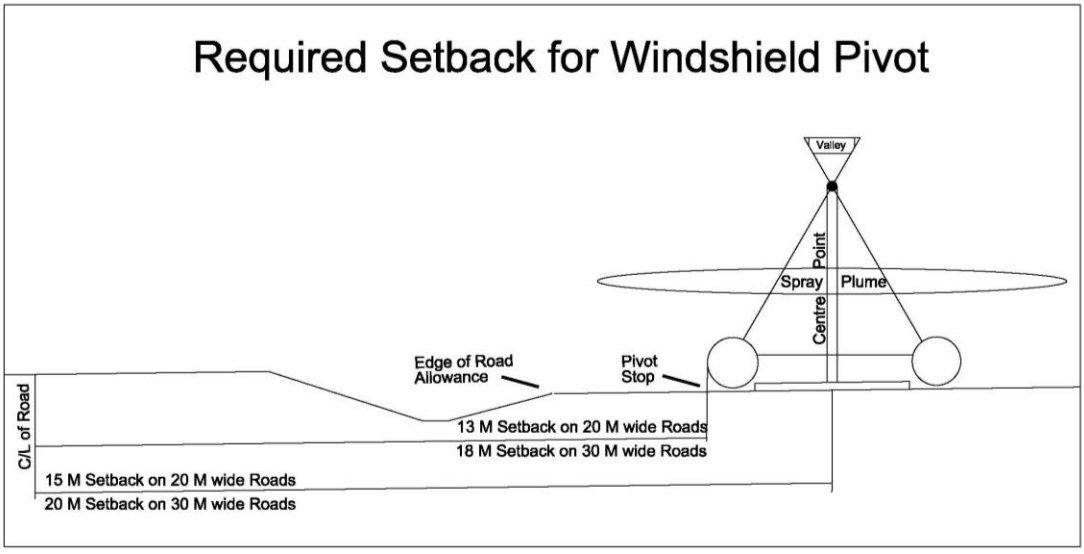
(1) An irrigation pivot shall not extend beyond the property line and there shall be no development of any kind in the road allowance. No Municipal Planning Commission discretion.

(2) The pivot point of a windshield wiper pivot system must be located a minimum of 15 metres from the centre line of a local road with a minimum width of 20 metres, and 20 metres from the centre line of a local road with a minimum width of 30 metres. No Municipal Planning Commission discretion.

(3) Pivot stops must be installed for a windshield wiper pivot system. They must be located a minimum of 13 metres from the centre of a local road with a minimum width of 20 metres, and 18 metres from the centre of a local road with a minimum width of 30 metres. No Municipal Planning Commission discretion.

(4) Where adjoining a slope with a grade of more than 15 degrees, an irrigation pivot must conform to the requirements of the setbacks from Steep Slopes Regulation contained in this By-Law (Section 57, Page 38).

(5) Prior to installation, the pivot and any stops should be staked out with white or red flags or markers, and the Development Authority must be given at least two business days notice in order to make an inspection.



55. SETBACKS FROM RAILWAYS:

The following setbacks apply to sub-division or development applications adjacent to a

railway right-of-way:

(1) **Residential:**

(a) A residential or country residential sub-division should not be approved, unless the parcel size is sufficient to allow the dwelling to be setback a minimum of 75 metres (246 feet) of the railway property line.
(b) Except for in designated hamlets, a Development Application for a new residential dwelling on a previously undeveloped parcel should not be approved if the structure is located within 75 metres (246 feet) of the railway property line.
(c) Should a 75 metres (246 feet) separation from the railway property line not be achievable, the Development Authority may allow a dwelling no closer than 30 metres (98.4 feet), subject to a berm being erected on the property, parallel to the railway right-of-way, with construction according to the following specifications: berm minimum height to be 2.5 metres (8.2 feet) and side slopes not steeper than 2.5 to 1.
(d) An unoccupied accessory building, such as a garage, storage shed, etc., may be permitted closer than 30 metres (98.4 feet), with the applicable districts' minimum side yard setbacks to apply.
(e) The Development Authority, at its discretion, may allow a pre-existing dwelling within the 75 metres (246 feet) distance to be repaired or rebuilt, if the structure has been damaged by flood or fire and is to be placed on the original permanent foundation.
(f) In a designated hamlet, a Development Application for a new residential dwelling to be located within 75 metres (246 feet) of the railway property line may be approved at the discretion of the Development Authority, subject to the owner entering into and signing an indemnity or Save Harmless Agreement with the County of Forty Mile No. 8, that shall be registered on the land title by Caveat prior to the Development Permit being issued.

(2) **Commercial and Non-Industrial:**

A commercial development not serviced by rail and/or non-industrial (excluding residential) use shall be setback from the track centerline a minimum distance of:

(a) 4.6 metres (15 feet) for a non-main track,
(b) 15.2 metres (50 feet) for a main track with a speed more than 65 km per hour (40 mph),
(c) 12.2 metres (40 feet) for a main track with a speed of 65 km per hour (40 mph) or less.

(3) **Conditions of Approval:**

As a condition of approval the Development Authority, at its discretion, may place other conditions on a Development Permit including the requirement that the developer install a chain link fence along the common property line of the railway, address drainage issues, or other such matters it considers necessary.

56. SETBACKS FROM ROADS AND HIGHWAYS:

Unless otherwise specified in this By-Law, the following setbacks from roads shall

apply:

(1) No part of a building or structure shall be located within:

(a) 40 metres (130 feet) from the centre line of any public roadway which is not designated as a Provincial Highway;
(b) Developments along roads designated as Minor Two-Lane Highways by Alberta Transportation require prior approval by Alberta Transportation if the development occurs within 300 metres of a highway right of way or 800 metres of an intersection. The general guideline is a setback of 50 metres (163.5 feet) from the highway centre line or 30 metres (98 feet) from a highway property line, whichever is greater;
(c) Developments along roads designated as Major Two-Lane Highways by Alberta Transportation require prior approval by Alberta Transportation if the development occurs within 300 metres of a highway right of way or 800 metres of an intersection. The general guideline is a setback of 70 metres (229 feet) from the highway centre line or 40 metres (131 feet) from the highway property line, whichever is greater;
(d) Developments along roads designated as Freeway/Expressway (Highway No. 3) or Multi-lane by Alberta Transportation require prior approval by Alberta Transportation if the development occurs within 300 metres of a highway right of way or 800 metres of an intersection. The general guideline is a setback of 115 metres (376 feet) from the highway centre line for development;
(e) Notwithstanding the above requirements, a minimum of 10 metres (33 feet) from the right of way of a service road constructed adjacent to a public roadway.

(2) Exclusions:

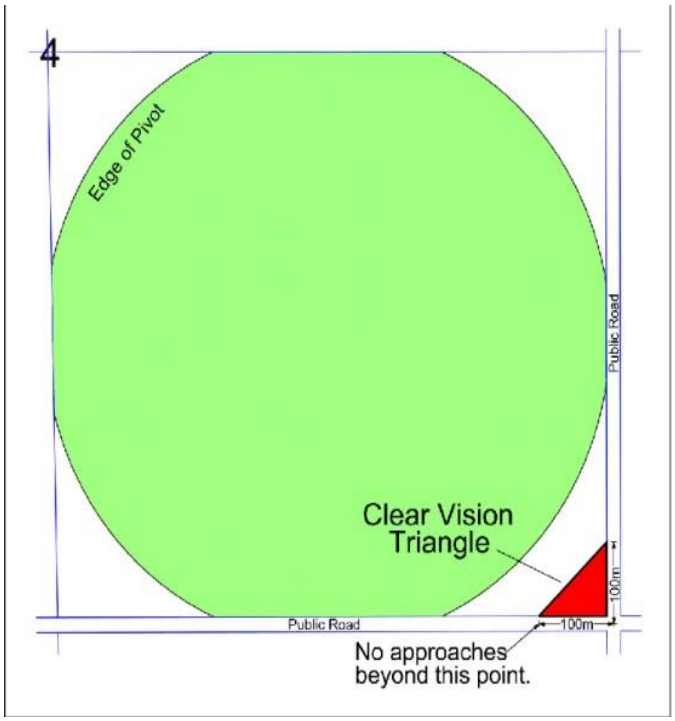
(a) Shelterbelts around Farmsteads upon inspection and approval of the Development Officer;
(b) Power transmission poles, lines or cables, telephone poles, lines or cables or wells may be located not closer than 30 metres from the centre of a secondary road.

(3) Where any parcel or part of a parcel which has frontage on a primary highway or secondary road, special standards for setbacks, access, and service roadways may be required by Alberta Transportation.

NOTE: ***Pursuant to Highway Development Control Regulation 242/90, all development within 300 metres of a Provincial Highway right of way or 800 metres from the centre of a Provincial Highway intersection with a road requires a permit from Alberta Transportation.***

(4) Adjacent to an intersection of two rural roads, no approach shall be located within 100 metres of the centre of the intersection. Within the clear vision triangle shown on Figure 5, no building, haystack, solid fence, shelterbelt or hedge more than 1 metre high shall be constructed which would unduly restrict the visibility of on-coming traffic.

Figure 5 Setbacks from Rural Intersections

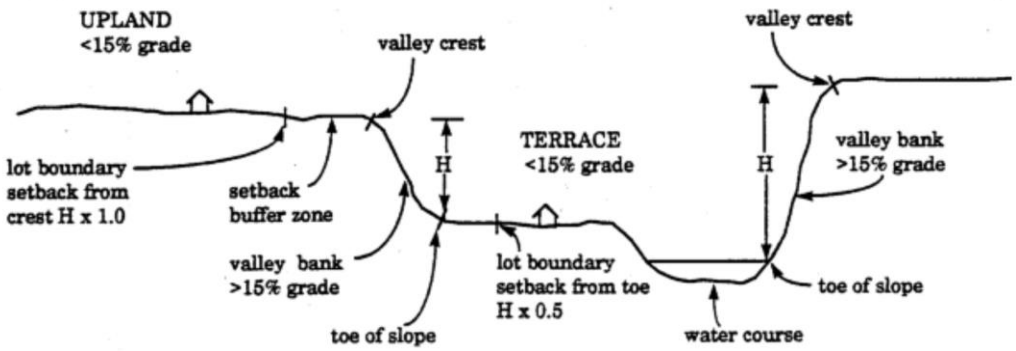


57. SETBACKS FROM STEEP SLOPES:

(1) In all Land Use Districts, slopes of greater than 20 per cent are considered unsuitable for Development unless otherwise determined by the sub-division and/or Development Authority and all slopes greater than 15 per cent may require special engineering and other treatment. If these topographic features are levelled, the resulting slopes shall not exceed 20 per cent and the levelling, compacting and other engineering, as well as environmental considerations, must be to the satisfaction of the sub-division and/or development authorities. Related to the foregoing, submission of existing and proposed contour and other plans may be required.

(2) For purposes of this section, the term "*slope*" is defined as any hill side or escarpment having an average slope of greater than 20 per cent between the valley crest and the toe of the slope.

(3) The terms "*valley crest*" and "*toe of slope*" are defined as those points located at the top and bottom of a slope where the angle of depression or the angle of elevation begins to exceed 15 per cent. (See sketch)



(4) All coulee and river valley setbacks will be determined in accordance with the following guidelines:

General Guidelines for the Setback of Lot Boundaries from Slopes where the Grade of the Adjacent Valley Bank Exceeds 15 per cent

Average Depth of Valley

0-15 metres (0-49.2 feet)

15-30 metres *(49.2-98.4 feet)*

> 30 metres (> 98.4 feet)

Distance of Land Left Undisturbed

25 metres (82 feet)

45 metres (147.6 feet)

60 metres (196.9 feet)

(5) A shorter setback may be permitted when it is supported by a site investigation by a qualified geotechnical engineer.

58. SIGN REGULATIONS:

(1) Billboards are prohibited.

(2) A combination of no more than two lawn, fascia or free-standing signs advertising the principal use of the premises or products offered for sale on the commercial/industrial premises may be approved by the Development Officer or the Municipal Planning Commission based upon the merits of each case provided that the total area of the sign(s) does not exceed 64 square feet.

(3) One (1) premises sign of up to 32 square feet may be approved for a farm or home occupation located in an agricultural or urban fringe district.

(4) One (1) premises sign of up to 4 square feet may be approved for a home occupation in a Hamlet General, Hamlet Residential or Country Residential District.

(5) A maximum of two (2) off-site directional signs of up to 32 square feet for an attraction, business, or home occupation may be approved for a business located in the County of Forty Mile No. 8. The sign must be located in an Agricultural or Urban fringe district.

(6) All signs shall be maintained in a safe and tidy manner to the satisfaction of the Development Officer or be subject to removal. All costs incurred in the removal of a sign by the County will be charged to the Registered Owner of the property.

(7) All signs other than those deemed approved shall be located on private property.
(8) The location of any sign must not pose a visual obstruction to traffic or any authorized traffic sign, signal or device.
(9) The source of illumination for a sign must be steady and suitably shielded.
(10) All signs proposed within 300 metres (1000 feet) of a primary highway shall also be subject to the terms and conditions of Alberta Transportation permits required in accordance with the Public Highways Development Act.

59. SHELTERBELTS:

(1) All shelterbelts must meet the setback requirements of the County.
(2) An exception will be made for a single row of Ornamental Trees adjacent to a farmstead or country residence. In this instance, the setback may be reduced to 20 metres from the centre line of the road.
(3) In all cases, the clear vision triangle must be maintained adjacent to all road intersections.

60. SMALL SCALE WIND ENERGY FACILITY (SWEF):

(1) An Application for a Development Permit for a Small Scale Wind Energy Facility **shall** be accompanied by:

(a) Manufacturers information on power generation and the tower;
(b) Standard drawings of the wind turbine structure, including the tower, base, and footings, anchoring method and drawn to scale.
(c) An engineering analysis of the wind turbine tower showing compliance with the Alberta Building Code and certified by a licenced professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted. Wet stamps shall not be required.
(d) A Letter of Application for connection to the grid addressed to the Applicant's utility company or the Alberta Utility Commission. Off-grid facilities shall be exempt from this requirement.
(e) appropriate letter or approval from Navigation Canada;

(2) Small Wind Energy Facility must be designated as a Permitted or Discretionary Use in the applicable Land Use District for the proposed location. An Application for a Development Permit for a Small Scale Energy Facility shall not be subject to the information requirements of a Wind Energy Facility (WEF) District as set out in Section 81 hereto.

(3) ***Wind Turbine Tower Height*:**

It is recognized that small to medium wind turbines generally require tower heights of 24-50 metres (80-164 feet) to reach wind currents reasonably adequate to generate energy:

(a) For property sizes between 0.1 ha (0.25 acre) and 0.2 ha (0.5 acre), the wind turbine tower height shall be limited to 80 feet (25metres).
(b) For property sizes of 0.2 ha (0.5 acre) or more, there is no limitation on wind turbine tower height, subject to the setback requirements below, and provided

that the Application includes evidence that the proposed height does not the height recommended by the manufacturer or distributor of the exceed system.

(4) ***Setback*:**

(a) The turbine base shall be no closer to the property line than 1.1 times the height of the wind turbine tower, and no part of the wind system structure, including guy wire anchors, may extend closer than three (3) metres (10 feet) to the property boundaries of the installation site.
(b) Additionally, the outer and innermost guy wires must be marked and clearly visible to a height of 2 metres (6 feet) above the guy wire anchors.
(c) The Development Authority may waive setback requirements from adjacent properties if such adjacent property owner agrees to grant an easement binding on the current and future owners.

(5) ***Sound*:**

(a) The mean value of the sound pressure level from small wind energy facilities shall not exceed more than 6 decibels (dBA) above background sound, as measured at the exterior of the closest neighbouring inhabited dwelling (at the time of installation or during operation), for wind speeds below 22 mph (10 m/s) and except during short-term events such as utility outage and/or severe wind storms.
(b) Applicants may apply for exemptions from this requirement with written authorization from the pertinent building owner(s) and tenants, if applicable.

(6) ***Compliance with Air Traffic Safety Regulations*:**

(a) Small wind energy facilities must comply with applicable air traffic safety regulations. A statement on compliance by the applicant is sufficient.
(b) Transport Canada must be notified of the location (latitude and longitude) and height of all wind turbine installations through the aeronautical clearance application process.
(c) Small wind turbine towers shall not be artificially lighted except as required by Navigation Canada.

(7) ***Compliance with Existing Electric Codes*:**

(a) Development Applications for small wind energy facilities shall be accompanied by a line drawing of the electrical components in sufficient detail to confirm that the installation conforms to all relevant Provincial electrical safety requirements.
(b) The Application must be submitted to a Building Compliance Agency for approval.

(8) ***Utility Notification*:**

No grid inter-tied Small Wind Energy System shall be installed until evidence has been submitted to the County that approval has been received from the Wire Service Provider (WSP) for Mini Micro Generators (≤10 kW, Inverter based), and by the Alberta Utilities Commission for Small (≤150 kW) and

Large Micro Generators (≥150 kW but ≤1 MW).

61. SUB-DIVISION OF LAND:

(1) Where the development of the land involves a sub-division of land, no Development Permit shall be issued until the necessary sub-division approval has been given by a Sub-division Authority.

62. VEHICULAR ACCESS:

(1) Every lot shall have at least one means of access to a public roadway.
(2) The Municipal Planning Commission may limit the number of vehicular access points to any site and may specify their locations.

63. THE LAND USE DISTRICT MAP:

(1) The County of Forty Mile No. 8 is divided into those land use districts shown on the Land Use District Map contained in Schedule "A".

(2) For the purpose of this Land Use By-Law, the County of Forty Mile No. 8 is divided into the following districts:

(a)	Agricultural District	(A)
(b)	Country Residential District	(CR)
(c)	Country Residential 2 District	(CR2)
(d)	Recreational Residential 1 District	(RR1)
(e)	Recreational Residential 2 District	(RR2)
(f)	Recreational Residential 3 District	(RR3)
(g)	Reservoir Vicinity District	(RV)
(h)	Water Recreation District	(WR)
(i)	Hamlet General District	(HG)
(j)	Hamlet Residential District	(R-1)
(k)	Hamlet Mobile Home District	(HMH)
(l)	Hamlet Commercial	(HC)
(m)	Urban Reserve	(UR)
(n)	Urban Fringe District	(UF)
(o)	Industrial District	(I)
(p)	Public and Institutional	(PI)
(q)	Airport Protection District	(AP)
(r)	Wind Energy Facility District	(WEF)

(3) Changes in the boundaries of any district require a Land Use By-Law amendment in accordance with this By-Law.

PART VI

LAND USE DISTRICTS AND REGULATIONS

64. AGRICULTURAL DISTRICT (A):

The general purpose of this district is to permit activities associated with the primary production of agricultural goods and services. The district is comprised of all lands within the County of Forty Mile No. 8 unless otherwise designated in the other Districts.

(1) **PERMITTED USES:**

(a) Accessory Buildings and Uses
(b) Dugouts
(c) Dwelling, Single Detached
(d) Farming and Farmstead
(e) Mobile Home

(2) **CLASS I DISCRETIONARY USES:**

(a) Additional dwelling (See Page 30 – Section 42)
(b) Compressor and metering stations
(c) Greenhouse/market garden/plant nursery
(d) Ground Mounted Solar Arrays (Small Micro-Generation)
(e) Home Occupation (office use only)
(f) Kennels
(g) Monitoring Station
(h) Move-in buildings
(i) Small Scale Wind Energy Conversion System
(j) Rooftop Solar Installations
(k) Public and Quasi-public Buildings and Uses
(l) Off site directional sign

(3) **CLASS II DISCRETIONARY USES:**

(a) Airport
(b) Agro-industrial Uses
(c) Commercial Uses
(d) Farmstead Separation (from a previously unsub-divided quarter section)
(e) Gravel Pit
(f) Ground Mounted Solar Arrays (Large Micro-Generation)
(g) Home Occupation
(h) Livestock Sales Yard
(i) Multiple Family Dwellings (See Page 30 – Section 42)
(j) Nuisance Grounds or Landfill Site Uses
(k) Parks, Playgrounds and Outdoor Recreational Uses
(l) Sewage Lagoon and Sewage Treatment Plants
(m) Veterinary Clinic
(n) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission.

(4) **MINIMUM PARCEL SIZE:**

(a) **PERMITTED USES** - Existing title or unsub-divided quarter section.
(b) **DISCRETIONARY USES** - Existing title or as required by the Approving Authority.

(5) **MINIMUM YARD REQUIREMENTS:**

FRONT YARD:

All buildings including shelterbelts, dugouts and disposal fields shall comply with Setback Regulations (See Page 36 – Section 56) except developments that are within 300 metres (984 feet) of a Provincial Highway where the setback shall be in compliance with the Highway Development Act.

Any parcel legally created prior to the enactment of this Land Use By-Law and which cannot comply with the setback requirements shall meet setback requirements as determined by the Development Authority.

SIDE YARD*:*

The minimum width of side yards shall be 15 metres (49.2 feet) unless a corner parcel, where the minimum side yard shall be the same as the front yard, unless otherwise specified by the Municipal Planning Commission.

REAR YARD:

The minimum depth of the rear yard shall be 15 metres (49.2 feet).

(6) **LANDSCAPING:**

DISCRETIONARY USES*:*

In addition to other provisions of this By-Law, landfill sites, gravel pits, sewage lagoons and sewage treatment plants may be screened from view with a vegetated buffer strip and/or other screening or buffering as required by the Approving Authority.

65. COUNTRY RESIDENTIAL DISTRICT (CR):

The general purpose of this District is to regulate the development of Country Residences.

(1) **PERMITTED USES:**

(a) Accessory Buildings and Uses
(b) Dwelling, Single Detached
(c) Dugouts

(2) **CLASS I DISCRETIONARY USES:**

(a) Mobile Homes
(b) Home Occupation (Office Use Only)
(c) Move-in Buildings
(d) Small Scale Wind Energy Conversion System

(3) **CLASS II DISCRETIONARY USES:**

(a) Parks
(b) Playgrounds
(c) Home Occupation
(d) Public Buildings and Quasi-public Buildings and Uses
(e) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission.

(4) **MINIMUM LOT AREA:**

PERMITTED USES:

For lots that are not serviced by a sewage collection system or by a water distribution system, a minimum of .809 hectares (2 acres) Lot with a minimum width of 30 metres (98.4 feet)

DISCRETIONARY USES:

As required by the Municipal Planning Commission

(5) **MAXIMUM LOT AREA:**

4 hectares (10 acres)

(6) **MINIMUM YARD REQUIREMENTS:**

Front	**Side**	**Flankage**	**Rear**
*10 metres (32.8 feet)	6 metres (19.7 feet)	*10 metres (32.8 feet)	8 metres (26.2 feet)

**** Minimum Yard distance from sub-division streets or service roads. Setbacks from County roads shall be in compliance with Setback Regulations (See Page 36 – Section 56) of the General Land Use Regulations.***

(7) **MAIN BUILDING RESTRICTIONS:**

Maximum Building Height - 9.1 metres (30 feet)

(8) **ACCESSORY BUILDING RESTRICTIONS:**

(a) An accessory building shall have the same yard requirement as the principal building.
(b) An accessory building shall be located at least 1.5 metres (5 feet) from a principal building.
(c) An accessory building shall not exceed 6 metres (20 feet) in height. An accessory building shall not exceed 110 m^2 (1,200 ft^2) in area. The maximum floor area dedicated to accessory uses in both principal and accessory buildings shall be 223 m^2 (2400 ft^2).
(d) An accessory building shall not be used for living purposes.
(e) An accessory building shall not be used for conducting of a business or commercial operation unless this operation is conducted in conjunction with an approved Home Occupation.

(9) **SITE RESTRICTIONS:**

In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:

(a) For number of livestock allowed, see Page 31 – Section 45 (1). Any off-spring over the maximum number of approved animals shall be removed from the site within six months.
(b) A Development Permit may be issued for the keeping of additional animals if the Municipal Planning Commission is of the opinion that it will not affect the amenities of the Adjacent Landowners.
(c) Not more than three dogs, excluding unweaned pups, shall be kept on a site.
(d) Any dogs, cats and other domestic animals kept on a site must be controlled so that they do not create a nuisance.

(10) **LANDSCAPING DISCRETIONARY USES:**

As required by the Approving Authority.

66. COUNTRY RESIDENTIAL DISTRICT 2 (CR-2):

The general purpose of this district is to regulate the Development of low density Country Residences and minor agricultural pursuits.

(1) **PERMITTED USES:**

(a) Accessory Buildings and Uses
(b) Dwelling Unit or mobile home
(c) Public parks and playgrounds

(2) **CLASS I DISCRETIONARY USES:**

(a) Bed and breakfast facility
(b) Greenhouse, nursery garden
(c) Mobile Home
(d) Public and quasi-public buildings and uses
(e) Home Occupation

(3) **CLASS II DISCRETIONARY USES:**

(a) Additional dwelling unit(s)
(b) Family Care Home
(c) Public buildings or uses and public utility buildings or uses required to serve the district
(d) Other similar uses as approved by the Municipal Planning Commission

(4) **MINIMUM LOT AREA:**

2 hectares (5 acres), or all the land which is contained within an existing Certificate of Title

(5) **MAXIMUM LOT AREA:**

6 hectares (15 acres).

(6) **MINIMUM YARD REQUIREMENT:**

Front	**Side**	**Flankage**	**Rear**
*20 metres (60 feet)	20 metres (60 feet)	*20 metres (60 feet)	20 metres (60 feet)

* ***Minimum Yard distance from sub-division streets or service roads. Setbacks from County roads shall be in compliance with Page 36 - Section 56 of the General Land Use Regulations***

(7) **MAIN BUILDING RESTRICTIONS:**

Maximum Building Height - 10 metres (30 feet)

(8) **ACCESSORY BUILDING RESTRICTIONS:**

a) An accessory building shall have the same yard requirement as the principal building.
b) An accessory building shall be located at least 1.5 metres (5 feet) from a principal building.
c) An accessory building shall not exceed 7 metres (23 feet) in height.
d) An accessory building shall not exceed 185 m^2 (2,000 ft^2) in area. The maximum floor area dedicated to accessory uses in both principal and accessory buildings shall be 392 m^2 (4000 ft^2).
e) An accessory building shall not be used for living purposes.
f) An accessory building shall not be used for conducting of a business or commercial operation unless this operation is conducted in conjunction with an approved Home Occupation.

(9) **SITE RESTRICTIONS:**

(a) In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:

(i) For number of livestock allowed, see Page 31 – Section 45 (1). Any off-spring over the maximum number of approved animals shall be removed from the site within six months.
(ii) A Development Permit may be issued for the keeping of additional animals if the Municipal Planning Commission is of the opinion that it will not affect the amenities of the adjacent landowners.
(iii) Not more than three dogs excluding unweaned pups shall be kept on a site.

67. RECREATIONAL RESIDENTIAL 1 DISTRICT (RR1):

The general purpose of this district is for smaller lot developments which are intended for recreational residential development.

(1) **PERMITTED USES:**

(a) Accessory Buildings and Uses
(b) Dwelling, Single Detached

(2) **CLASS I DISCRETIONARY USES:**

(a) Move-in buildings

(3) **CLASS II DISCRETIONARY USES:**

(a) Private Parks and Playgrounds
(b) Public Parks and Playgrounds
(c) Recreation Facilities (Public and Private)
(d) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission.

(4) **LOT SIZES:**

(a) *MINIMUM SIZE* **-** 0.4 hectare (1 acre) with a minimum width of 30 metres (98.4 feet) for individual on-site servicing.
(b) *MAXIMUM SIZE* - 0.8 hectare (2 acres).

(5) **MINIMUM YARD REQUIREMENTS:**

Front	**Flankage**	**Side**	**Rear**
*10 metres (32.8 feet)	*10 metres (32.8 feet)	3 metres (9.8 feet)	15 metres (49.2 feet)

****Minimum yard distances from sub-division streets or service road only. For district roads, see Page 36 - Section 56 Setback Regulations.***

(6) **ACCESSORY BUILDING RESTRICTIONS:**

(a) Only one principal building and one accessory building per Lot.
(a) Maximum floor area 100 m^2 (1,076 square feet)
(b) Maximum height - 5 metres (16.4 feet)
(c) Building separation - 1.5 metres (4.9 feet)

(8) **PARKING AND FENCING REQUIREMENTS:**

(a) Two vehicle parking spaces with a minimum size of 3 metres x 7.5 metres (10 x 25 feet) each must be provided on each lot.
(b) Fences must not obstruct normal landscape view for landowners on either side.
(c) For purposes of calculating setback requirements, decks and verandahs shall be considered part of the principal building.
(d) Within the required front and rear yards, solid fences cannot exceed 1 metre in height. Chain link or wire fences may have a maximum height of 2.75 metres (9 feet).
(e) Between the front and rear yards, solid fences can be up to a maximum height of 2 metres (6.5 feet).
(f) To provide supplemental wind protection, a combination of fence and semi-transparent windscreen material to a maximum height of 2.75 metres (9 feet) will be allowed between the front and rear yard setbacks.

(9) **PERMANENT DEVELOPMENT RESTRICTIONS:**

(a) No development, building or structure is permitted outside the marked boundaries of the site.
(b) The keeping of livestock or poultry for pets or other purposes is prohibited.
(c) The keeping of more than 2 dogs not including unweaned pups is prohibited. Separate and independent sewer and water facilities must be established for each lot.
(d) Where the rear yard adjoins a slope with an average gradient greater than 15 degrees, no septic tile fields or development other than landscaping will be allowed in the rear yard setback.
(e) All materials must be CSA approved; all applicable standards, codes, and regulations must be followed, all the supporting inspection permits must be supplied.

(10) **TEMPORARY DEVELOPMENT RESTRICTIONS:**

(a) Vacant lots must be maintained clear of weeds and cannot be used for storage.
(b) Until such time as a permanent cottage or residence is constructed, only one holiday trailer or motor home shall be parked on the lot.
(c) Until such time as a permanent cottage or residence is constructed, buildings shall be limited to 1- 3 x 6 metre (10 x 20 feet) storage shed and a deck equivalent in size to the holiday trailer or motor home.

68. RECREATIONAL RESIDENTIAL 2 DISTRICT (RR2):

The general purpose of this district is for cottage development and associated uses on leased parcels.

(1) **PERMITTED USES:**

(a) Accessory Buildings and Uses
(b) Frame Construction Cabins
(c) Skid mounted sheds
(d) Truck Mounted Campers, Motor Homes, Travel Trailers, Fifth Wheel Trailers, Tents, Tent Trailers

(2) **CLASS I DISCRETIONARY USES:**

(a) Move-in buildings

(3) **CLASS II DISCRETIONARY USES:**

(a) Second trailer or motor home
(b) Public Parks and Playgrounds
(c) Recreation Facilities (Public and Private)
(d) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission

(4) **LOT SIZES:**

(a) New Lots – minimum of 450 m^2
(b) Existing Lots - As per the terms of the lease

(5) **SERVICING:**

(a) Water cisterns and pump out tanks only.

(6) **MINIMUM YARD REQUIREMENTS:**

	Front	**Flankage**	**Side**	**Rear**
Dwelling	7.5 metres (25 feet)	3 metres (9.8 feet)	1.5 metres (4.9 feet)	5 metres (16.4 feet)
Garage or Accessory Building	5 metres (16 feet)	3 metres (9.8 feet)	1.5 metres (4.9 feet)	2 metres (6.6 feet)

(7) **PRINCIPAL BUILDING RESTRICTIONS:**

(a) Only one principal building is allowed per lot. A second trailer or mobile home may be allowed as a secondary dwelling provided that all setbacks are met.
(b) For purposes of calculating setback requirements, decks and verandahs shall be considered part of the principal building.

(c) Foundations are limited to pilings, grade beam with pilings, or concrete footings with foundation to a maximum depth of four feet. (No basements)
(d) The principal and secondary dwellings and any non-permeable attachments shall not cover more than 35 per cent of the surface area.
(e) Principal building height cannot exceed 10 metres.
(f) If a roof is constructed over a deck, it must be no higher than the main part of the principal building. For trailers and motor homes, only a single slope roof will be allowed and it must drain away from the unit.

(8) **ACCESSORY BUILDING RESTRICTIONS:**

(a)	Site coverage for all accessory buildings:	10%	
(b)	Maximum floor area of skid mounted shed	9.3 m^2	(100 $ft.^2$)
(c)	Maximum height -	3 metres	(9.8 feet)
(d)	Building separation -	1.5 metres	(4.9 feet)

(9) **PARKING AND FENCING REQUIREMENTS:**

(a) Two vehicle parking spaces with a minimum size of 3 metres x 7.5 metres (10 x 25 feet) each must be provided on each lot.
(b) Fences must not obstruct normal landscape view for landowners on either side.
(c) For purposes of calculating setback requirements, decks and verandahs shall be considered part of the principal building.
(d) Within the required front and rear yards, solid fences cannot exceed 1 metre in height.
(e) Between the front and rear yards, solid fences can be up to a maximum height of 2 metres (6.5 feet).
(f) To provide supplemental wind protection, a combination of fence and semi-transparent windscreen material to a maximum height of 2.75 metres (9 feet) will be allowed between the front and rear yards.

(10) **DEVELOPMENT RESTRICTIONS:**

(a) Class I and II Discretionary Use Applications will be referred to the 40 Mile Park Committee for a period not exceeding 14 days prior to consideration for approval.
(b) No building or structure is permitted outside the marked boundaries of the site.
(c) The lessee may plant trees, shrubs, grass and flowers on-site within the marked boundaries of the site provided that they do not exceed one metre in height within the front setback area.
(d) Non-permeable hard landscaping will be considered as site coverage.
(e) Vacant lots must be maintained clear of weeds and cannot be used for storage.
(f) The approval of docks/mooring sites is the responsibility of the 40 Mile Park Dock Committee.
(g) All materials must be CSA approved; all applicable standards, codes, and regulations must be followed, all the supporting inspection permits must be supplied
(h) The keeping of livestock or poultry for pets or other purposes is prohibited.
(i) The keeping of more than two (2) dogs not including unweaned pups is prohibited.

69. RECREATIONAL RESIDENTIAL 3 DISTRICT (RR3):

The general purpose of this district is for temporary holiday accommodation and associated uses on leased parcels.

(1) **PERMITTED USES:**

(a) Motor Homes
(b) Travel Trailers, Fifth Wheel Trailers, Truck Mounted Campers
(c) Tents, Tent Trailers

(2) **CLASS I DISCRETIONARY USES:**

(a) Storage shed

(3) **CLASS II DISCRETIONARY USES:**

(a) None

(4) **LOT SIZES:**

(a) New Lots – minimum of 275 m^2
(b) Existing Lots - As per the terms of the lease.

(5) **SERVICING:**

(a) Electricity and non-potable irrigation water only.
(b) Septic Pump-out Tank CSA approved.
(c) All other services to be contained within the mobile unit.

(6) **MINIMUM YARD REQUIREMENTS:**

	Front	**Flankage**	**Side**	**Rear**
Principal Structure	5.5 metres (18 feet)	3 metres (9.8 feet)	1 metre (3.2 feet)	1 metre (3.2 feet)
Accessory building (Skid Mounted)	5 metres (22 feet)	3 metres (9.8 feet)	0.3 metre (1 feet)	0.3 metre (1 feet)

(7) **BUILDING RESTRICTIONS:**

(a) Only one holiday trailer or motor home shall be parked on the lot as the principal use**.** The foot print of the unit includes all extensions and pull-outs
(b) The minimum separation distance between any part of the principal use (including pull-out) and the accessory building shall be 1.5 metres (4.9 feet).
(c) Two vehicle parking spaces with a minimum size of 3 metres x 7.5 metres (10 x 24.5 feet) each must be provided on each lot.
(d) The principal use and any non-permeable attachments shall not cover more than 35% of the surface area of the lot.
(e) For purposes of calculating setback requirements, decks and verandahs shall be considered part of the principal building.
(f) If a roof is constructed over a deck, it must be no higher than the main part of the trailer or motor home. Only a single slope roof will be allowed and it must drain away from the unit.
(g) Only one movable storage building with a maximum floor area of 9.3m^2 (100 $ft.^2$) is allowed per lot**.**
(h) The lessee may plant trees, shrubs, grass and flowers only within the marked boundaries of the site.
(i) Fences must not obstruct normal landscape view for landowners on either side.
(j) Within the required front and rear yards, solid fences cannot exceed 1 metre in height.
(k) Between the front and rear yards, solid fences can be up to a maximum height of 2 metres (6.5 feet).
(l) To provide supplemental wind protection, a combination of fence and semi-transparent windscreen material to a maximum height of 2.75 metres (9 feet) will be allowed between the front and rear yards.

(8) **DEVELOPMENT RESTRICTIONS:**

(a) No development, building or structure is permitted outside the marked boundaries of the site.
(b) Non-permeable hard landscaping will be considered as site coverage.
(c) The keeping of livestock or poultry for pets or other purposes is prohibited.
(d) The keeping of more than two (2) dogs not including unweaned pups is prohibited.
(e) The lessee is responsible for obtaining the necessary permits, licences. (i.e. building, plumbing, electrical) or other things for the development.

70. RESERVOIR VICINITY DISTRICT (RV):

The general purpose of this district is to permit activities related to agriculture which are compatible with the preservation of irrigation reservoirs or other water bodies from environmental deterioration. A Development Permit will be required for all new facilities requiring a Development Permit which are constructed in this District.

(1) PERMITTED USES:

(a) Extensive Agriculture
(b) Dwelling, Single detached
(c) Farm buildings other than buildings or structures for intensive agricultural operations

(2) CLASS I DISCRETIONARY USES:

(a) Small Scale Wind Energy Conversion System

(3) CLASS II DISCRETIONARY USES:

(a) Bee keeping
(b) Confined feeding operations
(c) Farmstead separation (from a previously unsub-divided quarter section)
(d) Ground Mounted Solar Arrays (Large Micro-Generation)
(e) Gravel pit
(f) Home Occupation
(g) Nurseries and tree farms
(h) Public and quasi-public Buildings and uses
(i) Reservoir access site
(j) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission.

(4) MINIMUM PARCEL SIZE:

PERMITTED USES - Existing title or unsub-divided quarter section
DISCRETIONARY USES - Existing title or as required by the Approving Authority

(5) MINIMUM YARD REQUIREMENTS:

FRONT YARD:

All buildings including shelterbelts, dugouts and disposal fields shall comply with the Setbacks from District Roads regulation shown on Page 36 – Section 56. Developments that are within 300 metres (984 feet) of a primary highway shall comply with the Highway Development Act.

SIDE YARD:

The minimum width of side yards shall be 15 metres (49.2 feet) unless a corner parcel, where the minimum side yard shall be the same as the front yard, unless otherwise specified by the Approving Authority.

REAR YARD:

The minimum depth of the rear yard shall be 15 metres (49.2 feet).

(6) **ADDITIONAL REQUIREMENTS:**

(a) Setbacks from steep slopes, watercourses and water bodies - see Page 38 – Section 57.
(b) In addition, there may be a need for additional setbacks from slopes for the construction of berms or a lagoon to minimize run-off into adjacent water bodies.

Access roads on steep slopes will require landscaping to minimize erosion.

71. WATER RECREATION DISTRICT (WR):

The general purpose of this district is for public and commercial recreational Developments.

(1) **PERMITTED USES:**

(a) None

(2) **CLASS I DISCRETIONARY USES:**

(a) Public day use areas
(b) Public picnic areas
(c) Snack bars and other commercial facilities located in an approved park

(3) **CLASS II DISCRETIONARY USES:**

(a) Campgrounds
(b) Club houses
(c) Golf courses
(d) Institutional camps
(e) Marinas
(f) Public boat launch
(g) Rodeo grounds
(h) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission.

(4) **MINIMUM PARCEL SIZE:**

No sewage collection system: 1800 m^2 (19,375 square feet) with a minimum width of 30 metres (98.4 feet).
Water distribution and off-site sewage collection system: at the discretion of the Approving Authority.

(5) **MINIMUM YARD REQUIREMENTS:**

Front	**Flankage**	**Side**	**Rear**
*10 metres (32.8 feet)	*10 metres (32.8 feet)	3 metres (9.8 feet)	5 metres (16.4 feet)

**** Minimum yard distances from sub-division streets or service road only. For setbacks from district roads see Page 36 – Section 56.***

(6) **BUILDING RESTRICTIONS:**

ACCESSORY BUILDINGS

Maximum floor area -	100 m^2	(1,076 square feet)
Maximum height -	5 metres	(16.4 feet)

Building separation - 1.5 metres (4.9 feet)
Maximum number of buildings per Lot – 2

(7) **UTILITIES:**

(a) Every development will be required to install sewage disposal systems approved by the authority having jurisdiction.
(b) All developments must have access to an on-site water supply or a communal water supply meeting the requirements of Alberta Environmental Protection.

(8) **ADDITIONAL REQUIREMENTS:**

(a) Setbacks from steep slopes, watercourses and water bodies - see Page 38 – Section 57.
(b) In addition, there may be a need for additional setbacks from slopes for the construction of berms or a lagoon to minimize run-off into adjacent water bodies.
(c) Access roads on steep slopes will require landscaping to minimize erosion.

72. HAMLET GENERAL DISTRICT (HG):

The general purpose of this district is to regulate development in hamlets.

(1) **PERMITTED USES:**

(a) Accessory Buildings and Uses
(b) Dwelling, Single Detached
(c) Parks and Playgrounds

(2) **CLASS I DISCRETIONARY USES:**

(a) Churches
(b) Community Buildings and Uses
(c) Home Occupation (Office use only)
(d) Mobile Home

(3) **CLASS II DISCRETIONARY USES:**

(a) Cafes and Coffee Shops
(b) Commercial, Retail and Service Establishments
(c) Dwelling, Semi-detached
(d) Dwelling, Multi-unit
(e) Grain Elevator
(f) Ground Mounted Solar Arrays (Small Micro-Generation)
(g) Home Occupation
(h) Hotel and Motel
(i) Industrial Uses that are in keeping with the urban setting of the District
(j) Liquor stores, pubs and other licenced premises
(k) Mobile Home Park
(l) Public and Quasi-public Buildings and Uses
(m) Public Utility Buildings required to serve this District
(n) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission

(4) **MINIMUM LOT SIZE:**

<u>PERMITTED USES</u>

(a) No sewage collection system: 1,800 square metres (19,375 square feet) with a width of at least 30 metres (98.4 feet)
(b) Water distribution system and a sewage collection system: 460 square metres (4,952 square feet) and a length of at least 30 metres (98.4 feet)

<u>DISCRETIONARY USES</u>

As required by the Approving Authority

Note: *Lots legally created prior to the enactment of this By-Law, which cannot conform with the above standards, shall be approved if a permit can be obtained pursuant to the Plumbing and Drainage Act General Regulation.*

(5) **MINIMUM YARD REQUIREMENTS:**

Use	**Front (metres)**	**Side (metres)**	**Rear (metres)**	**Corner (metres)**
Dwelling	7.5	1.5	7.5	4.5
Accessory Buildings	7.5	1.5	1.0	4.5
All other uses	As required by the Approving Authority.			

For free standing accessory buildings, the minimum separation from the principal building is 3 metres (9.8 feet), and the garage doors must be at least 2.5 metres (8.2 feet) from the property line they face.

(6) **MINIMUM FLOOR AREA:**

PERMITTED USES:

One Family Dwelling	-	55 square metres (592 square feet)
Mobile Home	-	37 square metres (398 square feet) or as required by the Approving Authority

DISCRETIONARY USES:
As required by the Approving Authority

(7) **MAXIMUM HEIGHT OF FENCES:**

(a) No fence, wall, vegetation, or any combination thereof, lying within 7.5 metres of the right of way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground (except in the case of corner lots where one yard is considered as the side yard), and in accordance with section 7(b) below, without a special permit issued by the Development Officer. This applies to interior and corner lots.

(b) On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of l metre and 3 metres above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.

(8) **SITE RESTRICTIONS:**

(a) In addition to the requirements of the General Land Use Regulations and Schedules, the following regulations shall apply:

(i) No livestock will be allowed within the boundaries of the hamlet without a Development Permit.

(ii) A Development Permit may be issued for the keeping of livestock if the Municipal Planning Commission is of the opinion that it will not affect the amenities of the Adjacent Landowners.

(iii) Not more than three dogs, excluding unweaned pups, shall be kept on a site.

(iv) Any dogs, cats and other domestic animals kept on a site must be controlled so that they do not create a nuisance*.*

(9) **MOBILE HOMES:** See Page 29 – Section 40

(10) **LANDSCAPING:**

(a) As required by the Approving Authority

73. HAMLET RESIDENTIAL (R-1):

The general purpose of this District is to regulate and control residential land use in larger County hamlets.

(1) **PERMITTED USES:**

(a) Accessory Buildings and Uses
(b) Single family dwellings

(2) **CLASS 1 DISCRETIONARY USES:**

(a) Duplex dwellings
(b) Home occupations (office use only)
(c) Lodging or boarding houses
(d) Open spaces
(e) Parks and playgrounds
(f) Semi-detached dwellings

(3) **CLASS II DISCRETIONARY USES:**

(a) Home occupations
(b) Mobile homes
(c) Moved-in dwellings
(d) Multiple-family dwellings
(e) Public assembly halls/churches
(f) Recreation buildings and areas
(g) Senior citizen housing
(h) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission

(4) **MINIMUM LOT SIZE:**

Use	**Width (metres)**	**Length (metres)**	**Area ($metres^2$)**
Single family dwelling	15	30.5	460
Semi-detached dwelling	22	30.5	671
All other uses	As required by the Development Officer		

(5) **MINIMUM YARD DIMENSIONS:**

Use	**Front (metres)**	**Side (metres)**	**Rear (metres)**	**Flankage (metres)**
Single family dwelling	7.5	1.5	7.5	3.6
Semi-detached dwelling	7.5	1.5	7.5	3.6
Carports, garages, and Accessory buildings	7.5	1.5	1.5	3.6
All other uses	As required by the Development Officer.			

(6) **MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES:**

(a) Principle Building - 33%
(b) Accessory Building - 10%

(7) **MAXIMUM HEIGHT OF ACCESSORY BUILDINGS-** 4.5 metres

(8) **MAXIMUM HEIGHT OF FENCES:**

(a) No fence, wall, vegetation, or any combination thereof, lying within 7.5 metres of the right of way of a public roadway (excluding lanes), shall extend more than 1 metre above the ground (except in the case of corner lots where one yard is considered as the side yard, and in accordance with Section (8)(b) below, without a special permit issued by the Development Officer. This applies to interior and corner lots.
(b) On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 1 metre and 3 metres above the centre line grades of the intersecting streets in the area bounded by the property lines of such corner lots and a line joining points along the said property lines 7.5 metres from the point of intersections.

(9) **GENERAL DEVELOPMENT STANDARDS:**

(a) Where piped sewer service is available, the development must connect to the system. Where sewer is not available, the lot must be of sufficient size to permit the installation of a septic tile field.
(b) The Development Officer may require special standards to improve the quality and compatibility of any proposed development such as, but not limited to, architecture, landscaping, setback variations, exterior building finishes, paved parking areas, and access.
(c) Where part of a parcel is used for outdoor storage, that part of the parcel shall be enclosed by buildings, fences, trees, or other land-scaping features, to the satisfaction of the Development Officer.
(d) All new buildings must meet or exceed the Alberta Uniform Building Standards Act.

(10) **MOBILE HOMES**: See Page 29 – Section 40.

(11) **HOME OCCUPATIONS:**

(a) All permits issued for home occupations shall be revocable at any time by the Development Officer, if the use has become detrimental to the amenities of the neighbourhood.

74. HAMLET MOBILE HOME DISTRICT (HMH):

The general purpose of this District is to regulate and control mobile home development in larger County hamlets.

(1) **PERMITTED USES:**

(a) Double Wide Mobile Home
(b) Single Wide Mobile Home
(c) Accessory Buildings and Uses

(2) **CLASS I DISCRETIONARY USES:**

(a) Home Occupations (office use only)
(b) Single Family Dwellings and Semi-detached Dwellings
(c) Public Utilities and Buildings

(3) **CLASS II DISCRETIONARY USES:**

(a) Community Buildings and Facilities
(b) Home Occupations
(c) Mobile Home Park
(d) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission

(4) **MINIMUM LOT SIZE:**

Use	**Width (metres)**	**Length (metres)**	**Area (metres)**
Mobile Home:			
- single wide	12	30.5	366
- double wide	13.5	30.5	412
All other uses	As required by the Development Officer		

(5) **MINIMUM YARD DIMENSIONS:**

Use	**Front (metres)**	**Side (metres)**	**Flankage (metres)**	**Rear (metres)**
Mobile Home:				
- single wide	7.5	Side A*4.5 Side B 1.5 * Side A is the entrance side.	3.6	3.0
- double wide	7.5	1.5	3.6	3.0
All other uses	As required by the Development Officer			

(6) **MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES:**

(a) Principal building - 33%

(b) Accessory building - 10%

(7) **MAXIMUM HEIGHT OF ACCESSORY BUILDINGS -** 4.5 metres

(8) **MOBILE HOME SITING REQUIREMENTS**: See Page 29 – Section 40.

75. PUBLIC AND INSTITUTIONAL (PI):

The general purpose of this district is to regulate and control public and institutional uses and development in larger County hamlets.

(1) **PERMITTED USES:**

(a) Parks, playgrounds, sports fields, open spaces, and other public recreation areas

(2) **CLASS I - DISCRETIONARY USES:**

(a) Accessory private and public recreation buildings, areas, or uses
(b) Accessory building - Ground Mounted Solar Array (Small Micro-Generation) where the main purpose is to provide power for an existing or new public building on the same or adjacent land.
(c) Churches
(d) Community Solar Power Station
(e) Fire hall
(f) Ground Mounted solar Arrays (Small Micro-Generation)
(g) Library
(h) Private and public recreation buildings
(i) Public assembly halls
(j) Public utility structures
(k) Schools
(l) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission

(3) **MINIMUM LOT SIZE:**

Use	Width (metres)	Length (metres)	Area (square metres)
All uses	As required by the Development Authority.		

(4) **MINIMUM YARD DIMENSIONS:**

Use	Front (metres)	Side (metres)	Flankage (metres)	Rear (metres)
All uses	As required by the Development Authority.			

(5) **OFF-STREET PARKING SPACE:**

As required by the Development Authority.

(6) **DEVELOPMENT STANDARDS:**

As required by the Development Authority.

76. HAMLET COMMERCIAL (HC):

The general purpose of this district is to regulate and control commercial land uses in larger County hamlets.

(1) **PERMITTED USES:**

(a) Public utility structures
(b) Public and semi-public buildings and uses

(2) **CLASS I DISCRETIONARY USES:**

(a) Accessory Buildings and Uses
(b) Banks, trust companies, and other financial institutions
(c) Coffee shops, restaurants
(d) Offices
(e) Retail stores

(3) **CLASS II DISCRETIONARY USES:**

(a) Auto sales
(b) Hotels
(c) Licenced beverage rooms
(d) Residences
(e) Service stations and repair garages
(f) Theatres, lodges
(g) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission

(4) **MINIMUM LOT SIZE:**

Uses	**Width (metres)**	**Length (metres)**	**Area (square metres)**
All uses	7.5	30.5	299

(5) **MINIMUM YARD DIMENSIONS:**

Uses	**Front (metres)**	**Side (metres)**	**Flankage (metres)**	**Rear (metres)**
All uses as required by the Development Authority.				9 or as required by the **Development Officer**

(6) **MAXIMUM PERCENTAGE OF LOT TO BE OCCUPIED BY ALL USES:**

Principal building and accessory building - 80%

(7) **OFF-STREET PARKING:**

As required by the Development Officer.

(8) **MOBILE HOMES** - See Page 29 – Section 40.

77. URBAN RESERVE (UR):

The general purpose of this District is to regulate vacant restricted development areas in County hamlets.

(1) **PERMITTED USES:**

None

(2) **CLASS I DISCRETIONARY USES:**

(a) Agricultural Buildings and Uses
(b) Accessory Buildings and Uses
(c) Utilities

(3) **CLASS II DISCRETIONARY USES:**

(a) Other Buildings and Uses that are similar in character and purpose to the discretionary uses of this district as determined by the Municipal Planning Commission

(3) **MINIMUM LOT SIZE**:

Use	**Width (metres)**	**Length (Metres)**	**Area (square metres)**
All uses	As approved by the Development Authority.		

(4) **MINIMUM YARD DIMENSIONS:**

Use	**Front (metres)**	**Side (metres)**	**Flankage (metres)**	**Rear (metres)**
All uses	As required by the Development Authority.			

78. URBAN FRINGE DISTRICT (UF)

The general purpose of this District is to regulate and control land use in the immediate vicinity of urban centres.

(1) **PERMITTED USES:**

(a) Accessory Buildings and Uses
(b) Dwelling, Single Detached
(c) Farming and Farmstead
(d) Mobile Home

(2) **CLASS I DISCRETIONARY USES:**

(a) Dugouts
(b) Home Occupation (Office use only)
(c) Off Site Directional Sign
(d) Small Scale Wind Energy Conversion System

(3) **CLASS II DISCRETIONARY USES:**

(a) Commercial Uses
(b) Drive-In Theatre
(c) Farmstead Separation (from a previously unsub-divided quarter section)
(d) Gravel Pit
(e) Grain Elevator
(f) Ground Mounted Solar Arrays (Small Micro-Generation) or (Large Micro-Generation)
(g) Home Occupation
(h) Light Industrial Uses
(i) Parks, Playgrounds and other outdoor recreational uses
(j) Sewage Lagoon and Sewage Treatment Plant
(k) Public and Quasi-public Buildings and Uses
(l) Veterinary Clinic
(m) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission

(4) **MINIMUM PARCEL SIZE:**

PERMITTED USES

Existing title or unsub-divided quarter section

DISCRETIONARY USES

Existing title or as required by the Approving Authority

(5) **MINIMUM YARD REQUIREMENTS:**

FRONT YARD

All buildings and structures including shelterbelts, dugouts and disposal fields shall comply with the setbacks from district roads shown on Page 36 Section 56 of the Land Use By-Law, except for developments that are within 300 metres (984 feet) of a primary highway where the setback shall be in compliance with the Highway Development Act.

All parcels legally created prior to the enactment of this Land Use By-Law and which cannot comply with the setback requirements shall meet setback requirements as determined by the Approving Authority.

SIDE YARD

The minimum width of side yards shall be 15 metres (49.2 feet) unless a corner parcel, where the minimum side yard shall be the same as the front yard, unless otherwise specified by the Development Authority.

REAR YARD

The minimum depth of the rear yard shall be 15 metres (49.2 feet).

(6) **LANDSCAPING:**

DISCRETIONARY USES

In addition to other provisions of this By-Law, landfill sites, gravel pits, sewage lagoons and sewage treatment plants may be screened from view with a vegetated buffer strip and/or other screening or buffering as required by the Approving Authority.

79. INDUSTRIAL DISTRICT (I):

The general purpose of this district is to regulate rural industrial development.

(1) **PERMITTED USES:**

(a) Accessory Buildings and Uses
(b) Dugouts
(c) Farming and Farmstead
(d) Gas Plant
(e) Home Occupations

(2) **CLASS I DISCRETIONARY USES:**

(a) Bulk Oil Storage
(b) Employee Residence
(c) Fertilizer and Chemical Storage
(d) Ground Mounted Solar Arrays (Small Micro-Generation)
(e) Public Utilities and Buildings
(f) Small Scale Wind Energy Conversion System

(3) **CLASS II DISCRETIONARY USES:**

(a) Battery Energy Storage System (BESS)
(b) Brick or Tile Manufacturing
(c) Concrete Products Manufacturing
(d) Contractor's or Builder's Yards
(e) Equipment Rental
(f) Grain Milling, Cleaning and Drying
(g) Gravel and Sand Pits
(h) Ground Mounted Solar Arrays (Large Micro-Generation)
(i) Lumber Yard
(j) Lumber, Pipe and Equipment Storage
(k) Machine and Welding Shops
(l) Packing, Bottling and Boxing Plants
(m) Rock and Gravel Processing
(n) Salvage Yard and Auto Wrecking
(o) Sewage Lagoons and Sewage Treatment Plants
(p) Tannery
(q) Warehousing
(r) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission.

(4) **MINIMUM PARCEL SIZE:**

No sewage collection system: 1,800 square metres (19,375 square feet) with a width of at least 30 metres (98.4 feet)

Water distribution system and a sewage collection system: 460 square metres (4,952 square feet) and a length of at least 30 metres (98.4 feet)

(5) **MINIMUM YARD REQUIREMENTS:**

FRONT YARD

All buildings and structures including shelterbelts, dugouts and disposal fields shall comply setback regulations from district roads shown on Page 36 – Section 56 of the Land Use By-Law, except for developments that are within 300 metres (984 feet) of a primary highway where the setback shall be in compliance with the Highway Development Act.

All parcels legally created prior to the enactment of this Land Use By-Law and which cannot comply with the setback requirements shall meet setback requirements as determined by the Approving Authority.

SIDE AND REAR YARD

The minimum setback shall be 6 metres (19.7 feet).

(6) **DESIGN, CHARACTER AND APPEARANCE OF BUILDINGS:**

Exterior finish shall be wood, metal or similar siding, brick or stucco, to the satisfaction of the Approving Authority.

(7) **OFF-STREET PARKING:**

Parking shall be provided as required by the Municipal Planning Commission.

80. AIRPORT PROTECTION DISTRICT (AP):

The purpose of this district is to control and regulate the use of land on and around the Foremost and Bow Island Airports. These controls shall reduce hazards to air traffic, provide for the efficient operation of airports and protect the public from excessive noise and hazards caused by air traffic.

(1) **PERMITTED USES:**

(a) Accessory Buildings and Uses
(b) Dugouts
(c) Farming and Farmstead
(d) Public Utility Buildings

(2) **CLASS I DISCRETIONARY USES:**

(a) Home Occupation (Office use only)
(b) Hangars and Airport Related Uses
(c) Residence, Single-detached
(d) Small Scale Wind Energy Conversion System

(3) **CLASS II DISCRETIONARY USES:**

(a) Airports
(b) Farmstead Separation (From a previously unsub-divided quarter section)
(c) Home Occupation
(d) Other Buildings and Uses that are similar in character and purpose to the Permitted and Discretionary Uses of this district as determined by the Municipal Planning Commission.

(4) **SITE REGULATIONS:**

The development and use of land within the Airport Protection District shall be in accordance with the site regulations of the Agricultural District (A). However, the site regulations of the Agricultural District do not apply for airport-related developments and buildings on unsub-divided land in the Airport Protection District. As applicable, such development must follow the lease provisions of the Foremost Airport Commission regarding all site regulations. Setbacks shall be in accordance with setback regulations from district roads shown on Page 36 –Section 56 of the Land Use By-Law. Moreover, all development and use of land in the Airport Protection District shall be subject to the following regulations:

(a) The maximum height of any development of land situated within the Airport Protection District may be determined with respect to its location in whole or in part within the take off/approach surface or transitional surface and shall not exceed the respective height of that surface as prescribed by the Ministry of Transport;

(b) The use or development of any land situated within the Airport Protection District shall not cause any dangerous condition that would interfere with the

safe and efficient operation of the airports and without restricting the generality of the foregoing, the use and operation of a development situated within the Airport Protection District shall not cause excessive:

(i) smoke, dust, steam or other emissions,
(ii) fire and explosive hazards,
(iii) accumulation of any material or waste, edible or attractive to birds (excluding normal agricultural practices).

(5) **HEIGHT LIMITATIONS:**

The following is an explanation of the operative height guidelines in the County of Forty Mile No. 8 in the vicinity of the Foremost and Bow Island Airports:

(a) ***Basic Strip*:**

The basic strip associated with the airport runways is an area 61 metres in width (200 feet) and 1,036 metres in length (3,400 feet). In effect it is a rectangular area adjacent on all sides to an airport runway. Its location is indicated in Map 6 and 7 of the Land Use By-Law.

(b) ***Airport Reference Point*:**

The airport reference point for the Foremost Airport is 884.9 metres (2,903 feet) AMSL. The airport reference point for the Bow Island Airport is 802.9 metres (2,634 feet) AMSL.

(c) ***Approach/Take-off Surfaces*:**

There is an approach surface associated with each end of the basic strip and in each case the approach surface is an imaginary surface consisting of an inclined plane that commences at the end of the basic strip. From an elevation defined as the airport reference point, the gradient rise .3 metres (1 feet) in height for each 7.6 metres (25 feet) of horizontal distance for 1143 metres (3750 feet), making the maximum height of the approach/take-off surface 45 metres (150 feet). The rising angle of the surface is 1.43 degrees from the end of the basic strip. The surface diverges outward on each side from the end points of the lateral limits of the basic strip.

(d) ***Transitional Surfaces*:**

There is a transitional surface associated with each lateral limit of the basic strip, and in each case the transitional surface is an imaginary surface consisting of an inclined plane that commences at the side of the basic strip. The gradient rises .3 metres (1 feet) in height for each 2.1 metres (7 feet) or horizontal distance for 305 metres (1,000 feet), making the maximum height of the transitional surface 45 metres (150 feet). The rising angle of the surface is 8.14 degrees from the lateral limit of the basic strip.

81. WIND ENERGY FACILITY (WEF) DISTRICT*:*

The purpose of this district is to provide for the development of wind power generators which feed power into the Provincial grid. It shall take the form of an overlay district in which the requirements of the existing Land Use District will continue in effect for all uses other than Wind Energy Facilities and associated uses. In addition to the requirements of the General Land Use Regulations and Schedules, the following Regulations shall apply to any Wind Energy Facility (WEF) Application.

(1) **PERMITTED USES:**

(a) Accessory Buildings and Uses

(2) **CLASS 1 DISCRETIONARY USES:**

(a) Wind Energy Facilities
(b) Transformers and Transmission Towers
(c) Sub-station facilities

(3) **CLASS II DISCRETIONARY USES:**

(a) Other uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission.

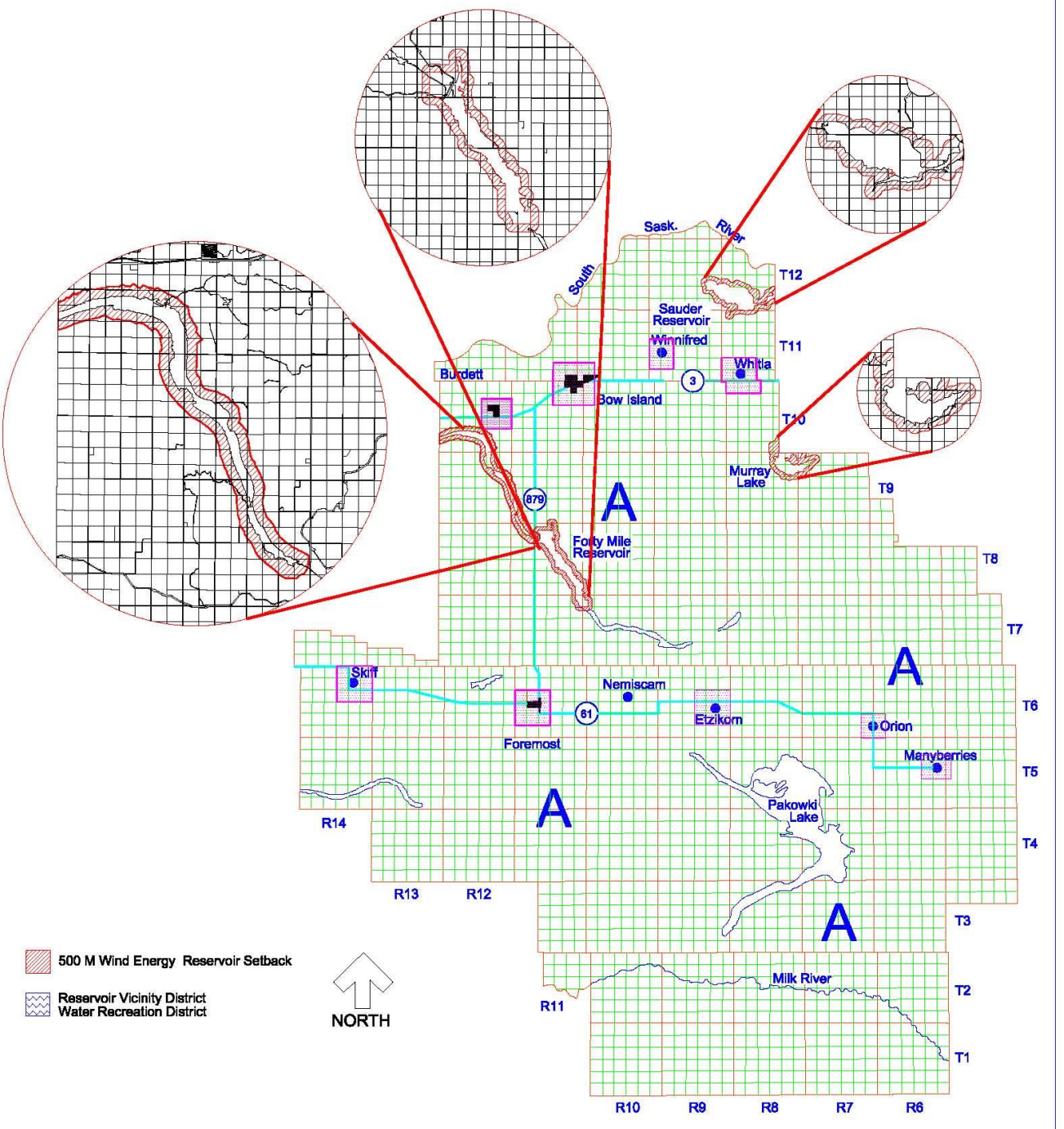
(4) **MINIMUM LOT AREA:**

(a) Existing title or an unsub-divided quarter section.

(5) **SETBACKS:**

(a) The minimum setbacks related to undeveloped or developed municipal roadways shall be the total height plus ten (10) per cent;
(b) The minimum setback related to an Alberta Highway right of way shall be determined by Alberta Transportation;
(c) Setbacks from adjacent residences shall be determined in accordance with current Alberta Utilities Commission Directive 038:Noise Control;
(d) Where adjacent properties (inside the Wind Energy Facility (WEF) District boundary) are located without a road allowance separation, the setback from the property line shall be a minimum of 7.5m from the outside of the rotor arc;
(e) Where adjacent properties (outside the Wind Energy Facility (WEF) District boundary) are located without a road allowance separation, the setback to the property line shall be no less than the total height plus ten (10) per cent unless a caveat is registered on title, in which case a waiver may be granted.
(f) The minimum setback from the take line of Yellow Lake, Forty Mile Reservoir, Sauder Reservoir and Murray Lake shall be 500 metres.
(g) Where, in the opinion of the Municipal Planning Commission, the above noted setbacks are not sufficient to reduce the impact of a Wind Energy Facility (WEF) from a public roadway, a primary highway, a dwelling or property line, the Development Authority may increase the required setback to mitigate adverse impacts.

County of Forty Mile No. 8
Wind Energy Reservoir Setbacks



(6) **MINIMUM BLADE CLEARANCE:**

(a) The minimum vertical blade clearance from grade shall be 7.5 metres (24.6 feet) for a Wind Energy Facility (WEF) employing a Horizontal Axis Rotor unless otherwise required by the Development Authority.

(7) **APPLICATIONS:**

(a) One Application for a Development Permit shall be submitted for each Wind Energy Facility (WEF) or separate construction phase of a Wind Energy Facility (WEF), and that Application shall constitute a separate application for each titled parcel upon which the Wind Energy Facility (WEF) is proposed to be located.

(8) **INFORMATION REQUIREMENTS:**

(a) All Development Applications for a Wind Energy Facility (WEF) shall be accompanied by:

(i) a Site Plan of the Application parcel showing and labeling the exact location of each existing tower and the proposed location (plus or minus 50 metres) of each proposed tower including setbacks as defined in Sub-section 5, (also to be provided in chart form), all associated sub-stations, collection and transmission system (where publicly disclosed and approved by Alberta Electric System Operator and the Transmission Facility Owner and/or the Distribution Facility Owner) on or abutting the subject lot or parcel, and contours of the land and access roads;

(ii) a plan showing the proposed location of towers (plus or minus 50 metres) on the Application parcel in the context of the overall Wind Energy Facility (WEF);

(iii) a digital database listing proposed location(s) (plus or minus 50 metres) and base elevation of each wind turbine in a format acceptable to the County (2008 acceptable format UTM co-ordinates NAD 83 Datum, Zone 12);

(iv) a visual representation of the Wind Energy Facility (WEF) visible from the following:

a) at least two high points along major roads surrounding the wind farm;
b) all community institutions within 2 km of the Wind Energy Facility (WEF) District;
c) and significant sites as determined by Development Authority.

(b) The visual representation shall include:

(i) scale evaluations;

(ii) photographs and/or digital information of the proposed Wind Energy Facilities showing total height, tower height, rotor arc, colour and landscape, and

(iii) photographs and/or digital information used in the visual representation shall be taken in clear visual conditions;

(c) The applicant shall also prepare a visual representation of the Wind Energy Facility (WEF) from all habitable residences within a 2 km (1.2 mile) radius of the proposed Wind Energy Facility (WEF) District, and make it available to the respective landowner(s) for review;

(d) The manufacturer's specifications indicating:

(i) the Wind Energy Facility (WEF) rated output in kilowatts;
(ii) safety features and sound characteristics;
(iii) type of material used in tower, blade, and/or rotor construction;

(e) An analysis of the potential for noise as per current Alberta Utilities Commission Directive 038: Noise Control, in the format of a contour noise map overlaid with the titled parcels and any habitable residences within the Wind Energy Facility (WEF) District, specifically identifying any habitable residence where the projected noise level would exceed the permissible noise level pursuant to Alberta Utilities Commission Directive 038: Noise Control;

(f) A map prepared using WindPro or equivalent software covering an area within a radius of 10 Rotor's Arc outside of the Wind Energy Facility (WEF) District indicating all habitable residences and other receptors that might be affected by Strobe or flicker effect and impact, measured by number of hours per year;

(g) A summary of stakeholder consultation activities conducted by the developer;

(h) A detailed traffic impact assessment report having regard to County standards, showing any impacts to the local road system, including required approaches from public roads and proposed remediation efforts including dust control;

(i) A summary of potential measures that may be employed to decommission and reclaim the Wind Energy Facility (WEF) and confirmation that the Wind Energy Facility (WEF) shall be decommissioned and reclaimed in accordance with all applicable legislative requirements, including those of the Alberta Utilities Commission or its successors, in place at the time of decommissioning and reclamation.

(9) **REFERRALS:**

(a) Prior to making a decision on a Development Application for a Wind Energy Facility (WEF), the Development Authority shall refer and consider the input from the following:

(i) an adjacent jurisdiction if its boundaries are located within 2 km (1.2 miles) of the proposed Wind Energy Facility (WEF) District;
(ii) municipal district landowners within a 2 km (1.2 mile) radius of the proposed Wind Energy Facility (WEF) District, and
(iii) any other relevant regulatory authorities and agencies.

(10) **TOWER ACCESS AND SAFETY:**

(a) To ensure public safety, the Development Authority may require that:

(i) A security fence with a lockable gate shall surround a Wind Energy Facility

(WEF) tower not less than 1.8 metres (5.9 feet) in height if the tower is climbable or subject to vandalism that could threaten tower integrity.

(ii) No ladder or permanent tower access device shall be located less than 3.7 m (12.1 feet) from grade.

(iii) A locked device shall be installed on the tower to preclude access to the top of the tower.

(iv) All of the above be provided or such additional safety mechanisms or procedures be provided as the Development Authority considers reasonable and appropriate.

(v) The use of tubular towers, with locked door access, will preclude the above requirements.

(11) **DISTRIBUTION LINES:**

(a) Except for a single above ground line on developed roads where no other above ground line currently exists, all distribution lines (less than 69kv), within the Wind Energy Facility (WEF) District will be underground.

(12) **COLOUR AND FINISH:**

(a) Unless otherwise required by the Development Authority, a Wind Energy Facility (WEF) shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a Wind Energy Facility (WEF) to the satisfaction of the Development Authority.

(b) No lettering or advertising shall appear on the tower, nacelle, or blades other than the manufacturer's and/or owner's identification number.

(13) **DISTRICT DENSITY:**

(a) More than one wind turbine may be allowed per titled parcel within the Wind Energy Facility (WEF) District provided that all the setback criteria within Section E and the policies of the Municipal Development Plan are met.

(14) **REPOWERING:**

(a) Should a developer of an existing mature wind propose an equipment change varying significantly from the original approval, the developer shall apply for a new Development Permit.

(b) Should a Wind Energy Facility (WEF) project propose infill development within an existing mature wind farm, the developer shall apply for a new Development Permit.

(15) **DECOMMISSIONING:**

(a) Should a Wind Energy Facility (WEF) discontinue producing power for two years or more, the Wind Energy Facility (WEF) operator shall provide a status report to the Development Authority. A review of the status report may result in a request for the Wind Energy Facility (WEF) to be decommissioned.

(b) The Wind Energy Facility (WEF) shall be decommissioned and reclaimed in accordance with all applicable legislative requirements, including those of the Alberta Utilities Commission or its successors, in place at the time of

(WEF) tower not less than 1.8 metres (5.9 feet) in height if the tower is climbable or subject to vandalism that could threaten tower integrity.

(ii) No ladder or permanent tower access device shall be located less than 3.7 m (12.1 feet) from grade.

(iii) A locked device shall be installed on the tower to preclude access to the top of the tower.

(iv) All of the above be provided or such additional safety mechanisms or procedures be provided as the Development Authority considers reasonable and appropriate.

(v) The use of tubular towers, with locked door access, will preclude the above requirements.

(11) **DISTRIBUTION LINES:**

(a) Except for a single above ground line on developed roads where no other above ground line currently exists, all distribution lines (less than 69kv), within the Wind Energy Facility (WEF) District will be underground.

(12) **COLOUR AND FINISH:**

(a) Unless otherwise required by the Development Authority, a Wind Energy Facility (WEF) shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a Wind Energy Facility (WEF) to the satisfaction of the Development Authority.

(b) No lettering or advertising shall appear on the tower, nacelle, or blades other than the manufacturer's and/or owner's identification number.

(13) **DISTRICT DENSITY:**

(a) More than one wind turbine may be allowed per titled parcel within the Wind Energy Facility (WEF) District provided that all the setback criteria within Section E and the policies of the Municipal Development Plan are met.

(14) **REPOWERING:**

(a) Should a developer of an existing mature wind propose an equipment change varying significantly from the original approval, the developer shall apply for a new Development Permit.

(b) Should a Wind Energy Facility (WEF) project propose infill development within an existing mature wind farm, the developer shall apply for a new Development Permit.

(15) **DECOMMISSIONING:**

(a) Should a Wind Energy Facility (WEF) discontinue producing power for two years or more, the Wind Energy Facility (WEF) operator shall provide a status report to the Development Authority. A review of the status report may result in a request for the Wind Energy Facility (WEF) to be decommissioned.

(b) The Wind Energy Facility (WEF) shall be decommissioned and reclaimed in accordance with all applicable legislative requirements, including those of the Alberta Utilities Commission or its successors, in place at the time of

decommissioning and reclamation.

(c) Failure to comply with decommissioning request may result in the issuance of an Order of Compliance by the designated officer in accordance with the provisions of the Act.

(16) **DECISION CRITERIA:**

(a) The Development Authority may apply any standards that are provided for the underlying district.

(b) As Wind Energy Facility (WEF) are categorized as a discretionary use, the Development Authority may approve Wind Energy Facility (WEF) on a case by case basis having regard for:

(i) Information provided in the application;
(ii) Proximity to other existing land uses in the immediate area;
(iii) Underlying utilities;
(iv) Information received from the circulation of the application and the public.

(17) **VALIDITY OF THE DEVELOPMENT PERMIT:**

(a) Commencement of Construction shall occur within three (3) years of the issuance of the permit. Applications for time extension(s) may only be considered by the Development Authority for a one-year term.

(b) Any portion of construction pursuant to a valid permit not completed within three (3) years of Commencement of Construction shall require a new Application unless a time extension has been granted.

(c) Applications for time extension(s) may only be considered by the Development Authority for a one-year term.

(18) **OTHER AUTHORIZATIONS:**

(a) The developer shall be responsible for providing the County with copies of the appropriate reports and/or approvals, if required, from the following:

(i) Transport Canada
(ii) Navigation Canada
(iii) Alberta Culture and Community Spirit
(iv) Alberta Environment
(v) Alberta Transportation and Infrastructure
(vi) Alberta Sustainable Resource Development (Fish and Wildlife Division)
(vii) Alberta Tourism, Parks and Recreation
(viii) Alberta Electric System Operator
(ix) Alberta Utilities Commission
(x) Any other statutory requirement

82. SOLAR ENERGY FACILITY (SEF) DISTRICT:

The Solar Energy Facility (SEF) District, established as an overlay district, is designed to specifically regulate the development of Solar Energy Facilities aimed at commercial energy generation. Within the SEF District, the land use regulations and requirements of the underlying zoning district continue to apply, ensuring that the established land use patterns and community standards are maintained alongside the development of Solar Energy Facilities. Additionally, a fundamental tenant of this district is that the onus on is developers to provide the additional resources required to ensure that these developments do not unduly burden local infrastructure. In addition to the requirements of the General Land Use Regulations and Schedules, the following Regulations shall apply to any Solar Energy Facility (SEF) Application.

(1) PERMITTED USES:

(a) Solar Energy Facilities:
  (i) Agrivoltaic Systems
  (ii) Ground-Mounted Solar Arrays (Small Micro-Generation)
  (iii) Rooftop Solar Installations

(2) CLASS 1 DISCRETIONARY USES:

(a) Solar Energy Facilities:
  (i) Ground-Mounted Solar Arrays (Large Micro-Generation)
  (ii) Community Solar Power Station
  (iii) Solar Energy Plant or Solar Power Station
  (iv) Operations and Maintenance Building
  (v) Converter Station(s), Substation/Switching Station(s)
  (vi) Accessory Buildings and Uses including
  (vii) Transformer(s) and/or Junction Box(es)
  (viii) Trunk or Main Feeder Line wiring
  (ix) Battery Energy Storage System (BESS) as an Accessory Use of an approved Solar Energy Facility
  (x) Overhead Transmission Lines
  (xi) Communications tower
  (xii) Access Roads
  (xiii) Other uses, buildings and structures which are ancillary to the Solar Energy Facility

(3) CLASS II DISCRETIONARY USES:

(a) Other uses consistent with the Definition or General Purpose of the Land Use District as approved by the Municipal Planning Commission.

(4) MINIMUM LOT AREA:

(a) Existing title or an unsub-divided quarter section.

(5) SETBACKS:

(a) Setback from existing above-ground utility power lines or communication lines -20 meters.

(b) Setback from an existing Developed Road - 30 meters from property lines or 40 meters from the centerline of the travelling surface, whichever is further.

(c) Setback from an Undeveloped Road Allowance - Placement of solar panels adjacent to Undeveloped Road Allowances will be reviewed by the County on a case-by-case basis to confirm that they will not conflict with the County's existing road development plans. In the event that there is no conflict, the Development Authority may issue a waiver as part of a Development Permit that will allow for placement of the Solar Collectors at a reduced setback of at least 10 meters from a property line adjacent to a Road. It is the responsibility of the applicant to apply for a waiver in these situations, and to provide exact location of proposed placement of solar panels and the distance from the property lines. In the event a survey is required, the applicant will be responsible for obtaining and for paying the cost of the survey.

(d) Setback from a Highway - 809 meters (approximately ½ mile) or as required by Alberta Transportation and Economic Corridors.

(e) Setback from railroad property line - A minimum setback of 75 meters is required from a railroad property line. If written confirmation of non-objection is obtained from the railway company involved, the Development Authority has the discretion to approve a reduced setback. This written confirmation must clearly indicate the railway company's agreement to a specific, lesser distance than the standard 75-meter requirement.

(f) Setback from inhabited buildings including: residence, school, hospital, church or public library - 809 meters (approximately ½ mile). The setback requirement from inhabited structures may be reduced if appropriate screening through landscape or an opaque fence is installed, or upon submittal to the County of a waiver or informed consent letter signed by the owner of the inhabited structure agreeing to the lesser setback. If landscaping or opaque fencing is substituted for setback, a landscaping plan or fencing plan shall first be submitted to and approved by the County.

(g) Setback Requirement for Property Lines within an approved Solar Energy Facility district boundary:

  (i) To ensure the beneficial use of agricultural land, applicants may apply for a setback requirement from property lines, which are not adjacent to a Road, to extend into or over no more than 80 percent of the depth of the minimum yard or setback required along a side lot line in the underlying land use district. However, this extension shall not bring the setback closer than 3.05 meters to any side lot line.

  (ii) Waivers for these setback requirements are strictly applicable only to those property lines that are completely contained within the designated project boundary. No waiver will be granted for setback requirements from property lines that form the outer edge of the project boundary or extend beyond it..

  (iii) When applying for a waiver, the applicant must include a site plan/map that clearly shows the interior property lines and the project boundary. The application should explicitly identify those property lines for which a waiver is being sought.

(h) Scenic Resources Setback. Solar panels within the solar energy facility must adhere to a minimum setback of 809 meters (approximately ½ mile) from any highway or point of interest designated as a scenic highway, roadway, or point of interest by the County. This scenic resource protection setback may be adjusted by the Development Authority based on specific site characteristics:
    (i) Reduction in Setback: The Development Authority may consider a request for a reduced setback only after the developer has conducted at least one open house which includes consultation on this specific issue. The setback requirement may be reduced if the Development Authority concludes that the characteristics of the area significantly mitigate concerns over scenic value.
    (ii) Increase in Setback: Conversely, the setback may be increased if deemed necessary to preserve the visual integrity, aesthetic quality, or historical significance of the scenic area.
    (iii) The Developer shall provide a summary of public input received at an open house(s) where the developer has actively sought and documented community feedback on scenic value. The insights gathered from these sessions will be crucial in evaluating any setback adjustments.
(i) Substations, facility buildings, and other accessory structures that are part of the solar energy facility shall comply with the required primary building setbacks for the underlying district in which the project is located.
(j) Where these setback requirements are unclear or undefined, the setback requirements of the underlying district apply.
(k) The Development Officer has discretion to waive up to 20% of the measurable standards specified in the Land Use Bylaw for Solar Energy Facility applications. This authority, however, is circumscribed by certain conditions:
    (i) Should the need for waivers exceed the 20% limit or encompass significant considerations, such cases must be escalated to the Municipal Planning Commission (MPC) for thorough review and subsequent decision-making.
    (ii) An exception to this rule is applied in the case of setback standards in this district. Where a measurable standard for setbacks is permitted to be reduced, the Development Officer retains the authority to make decisions regarding such setback reductions independently.

(6) SUBMITTAL AND INFORMATION REQUIREMENTS:

(a) All plans and designs submitted to the County, unless expressly authorized otherwise, must be completed, signed, and sealed, as applicable, by professionals holding the requisite qualifications to practice within the Province of Alberta. This requirement includes, but is not limited to, Engineers registered to practice in Alberta, and other registered professionals or experts with appropriate technical designations pertinent to the specific area of work. In cases where specialized expertise is not available within the Province of Alberta, and a study or plan is conducted by an international expert, the County may consider accepting these documents. However, they must be reviewed and certified, as applicable, by a qualified professional registered to practice within Alberta or by a relevant local authority. This review and certification process is to ensure that the study or plan adheres to Alberta's standards and regulations. The County reserves the right to request additional documentation or verification to confirm the validity and applicability of an interprovincial or international study within the local context. The County reserves the right to determine the acceptability of the qualifications of the professionals or experts involved in the preparation of all submitted plans. All mitigation plans and strategies must be formulated and certified by qualified professionals. These plans must detail the steps to be taken to rectify identified issues and include timelines for implementation.

(b) Post-implementation, if the developer is required to conduct ongoing monitoring to ensure the effectiveness of the mitigation measures, regular reports must be submitted to the County for review.

(c) If an initial submission is deemed inadequate in addressing identified risks, the developer will be required to revise and re-submit the relevant studies and plans with appropriate modifications.

(d) In the evaluation of all submissions, key priorities shall encompass public safety, environmental stewardship, and fiscal responsibility, consistently applied during application review, construction, and operations. Moreover, application assessment will critically consider the project's contribution to community well-being, ensuring that developments either support or, at the very least, do not impede the municipality's ability to deliver essential services and facilities. These elements must be thoroughly integrated and prioritized in every proposed corrective measure, demonstrating a commitment to sustainable, community-centric development that aligns with broader municipal objectives.

(e) Site Plan/Maps

(i) The required Overview Map shall include the following:

A. A plan showing the location of all solar panels, equipment, access roads, transmission lines, and other significant features of the project. The plan should include property boundaries, nearby roads, adjacent land uses, dwelling units, microwave communication links, communications towers, aerodromes, airstrips and show the topography for at least 1 km beyond the land participating in the proposed Development.

B. Clearly identified boundary lines and dimensions of the site where the proposed solar collector facility will be located.

C. Identify the project area boundary and approximate size of the site where the proposed solar collector facility will be located, in acres and square meters.

(ii) The required detailed site maps shall include the following in addition to the other requirements of this Land Use Bylaw:

A. Location of all proposed structures and facilities, including the location for each Solar Collector in the proposed Solar Energy Facility, including:

1. Setbacks for each Solar Collector from property lines;
2. Setbacks for all buildings and structures; and
3. Location and description of fences.

B. Maps and description of proposed Transmission Lines, utility interconnections, Substation/Switching Stations, transformers and crossings from the point of Provincial Grid interconnection to the Applicant's Substation/Switching Station.

C. A schematic drawing showing the Solar Collectors.

D. Each drawing in a set shall include a grayscale key plan with the location of the individual plan clearly shown in red.

(iii) The drawings submitted must be at a scale and detail level adequate for determining compliance with this Bylaw. Typically, site plans should be at a scale of 1:1000. It may be necessary to draw certain plans at 1:100 scale or even larger if needed, to adequately depict the necessary details. For quarter section maps, a scale of 1:5000 is appropriate, with each quarter section fitting on a single letter or tabloid sized page. To highlight areas with dense information, detail clouds or magnified insets should be utilized for clearer representation.

(iv) It is the applicant's responsibility to clearly delineate and mark any deviations from this Bylaw and other published County plans, bylaws and policies on the site maps submitted. Each point of non-compliance must be accompanied by a formal request for variance with the Development Application documents, clearly listed and referenced back to the exact location on the map. This list should include a detailed explanation of why the applicant feels each variance is necessary, the significance to the Developer if the variance is not approved, and how it relates to the proposed development's layout and design.

(v) A digital CAD or GIS drawing containing the features shown in the site maps and drawings above shall be provided in a digital format acceptable to the County in addition to a pdf copy of all maps and plans. (2024 acceptable formats are ArcGIS compatible file geodatabase or AutoCAD dwg in UTM co-ordinates NAD 83 Datum, Zone 12).

(vi) All application technical and engineering drawings require a professional Engineer's seal licensed to practice in the Province of Alberta. GIS maps require a letter of acknowledgment from an Engineer or the qualified professional overseeing the project stating that the GIS maps are consistent with the detailed engineering drawings and provide an overview of the project.

(vii) The Applicant shall provide updated drawings, maps and GIS information during construction, as-built drawings at project completion and at the

request of the County.

(f) Narrative and Impact Analysis. A narrative, in addition to the requirements of the application permit, including:
  (i) Project description and proposed phasing of development.
  (ii) The applicable Alberta Utilities Commission (AUC) proceeding number(s).
  (iii) A description of the project and each phase of development, including the approximate number of solar panels, and the accessory structures, power output in MW), and infrastructure and interconnection requirements for each phase.
  (iv) Detailed technical specifications of the solar installation, including the number, type and model of solar panels, inverters, mounting systems, and any other relevant equipment.
  (v) Description of potential access route(s), including road surface material, proposed measures for dust control, and proposed road maintenance schedule or program.
  (vi) Utility Interconnection details including information on how the facility will connect to the local or provincial electrical grid, and including any agreements with utility companies.
  (vii) A summary of community consultations undertaken, including public meetings, and how community feedback has been incorporated into the project design.

(g) Impact Analysis. The applicant is required to provide a detailed description of the potential impacts associated with the proposed solar collector. This analysis must include the following elements:
  (i) Baseline Conditions and Impact Assessment: A thorough description of the existing baseline conditions and an analysis of the impacts that may arise from the proposed use.
  (ii) Mitigation Strategies: A comprehensive plan outlining how the applicant intends to mitigate these impacts, ensuring compliance with applicable standards.
  (iii) Assessment of Effects on County Services and Facilities: An evaluation of the potential effects of the project on County services and capital facilities. Should potential impacts be identified, the applicant must:
    A. Develop and implement a comprehensive plan to protect and maintain County services and capital facilities, preventing any permanent damage.
    B. Include provisions for necessary upgrades or enhancements to these services and facilities, ensuring completion prior to any impact.
    C. Adopt a proactive approach aimed at reducing risks to an acceptable level, preventing adverse effects on the County's infrastructure and service delivery.
    D. If the proposed project's impacts cannot be fully mitigated, the applicant may be obligated to pay the County a mutually agreed upon impact fee. This fee will facilitate the County in maintaining its services and capital facilities in light of the solar collector's construction and operation.

(h) Traffic Mitigation Plan - The applicant shall submit a comprehensive traffic mitigation plan that specifically addresses potential impacts on County roads due to the construction phase. This plan must include, but is not limited to:

(i) An assessment of the anticipated volume and frequency of commercial vehicle traffic, particularly focusing on vehicles with a Gross Vehicle Weight (GVW) exceeding 4500 kg and the expected duration of increased traffic levels, and referred to as 'Heavy Loads' and other anticipated project traffic referred to as 'Light Loads'.

(ii) Detailed strategies to mitigate the wear and tear on roads caused by the above noted vehicles. This may include measures such as designating specific routes for heavy vehicles, scheduling deliveries to distribute the traffic load more evenly over time, or imposing GVW limits at certain times, locations or conditions.

(iii) Provisions for regular maintenance and immediate repair of roads as needed during the construction phase to ensure that they remain safe and functional.

(iv) A commitment to conduct post-construction road assessments and undertake necessary repairs or upgrades to restore the roads to their preconstruction condition or better.

(i) Emergency Response Plan

(i) The applicant shall prepare (and as necessary, over time modify) and implement an Electrical Safety and Fire Response Plan to the County's satisfaction, acting reasonably. The Plan shall outline electrical safety measures and emergency response procedures in the event of a fire or other emergency at the site both during construction and operations. The applicant shall obtain the County's approval to the Electrical Safety and Fire Response Plan prior to commencement of construction. Both the qualifications of the individual(s) preparing the Plan, and the content of the Plan shall be acceptable to the County's satisfaction, acting reasonably. The Electrical Safety and Fire Response Plan shall contain the following design elements, at the applicant's cost and acceptable to the County including, but not limited to, unless modified or waived by the County:

A. electrical safety;
B. proactive and reactive elements; on-site internal road network
C. (sufficient to allow appropriate emergency service vehicles);
D. sprinkler system or other method of onsite fire control;
E. vegetation management;
F. sufficient water storage;
G. dry chemical fire suppressant; and
H. periodic reporting (during and post construction, with the support of the applicant's relevant consultants; as requested by the County, and at a minimum of every 6 months) to the County to ensure the Plan is properly implemented.

(j) Waste Management Plan

(i) The applicant will prepare, comply with, and as necessary modify a Waste Management Plan to the satisfaction of the County, acting reasonably. This Plan shall be provided to and approved by the County prior to commencing construction. The Plan shall include:

A. Amount and types of waste expected from the Project (including construction, operation and decommissioning);

B. Disposal of waste, including which landfills(s), recycling plants and other facilities that will be used and their capacity to handle the waste;

(ii) All disposal costs including construction of new or expansion of existing landfill(s) or other facilities will be borne by the applicant.

(iii) The applicant shall, prior to commencement of construction, provide written confirmation from an approved landfill that they have secured a receptor for all construction waste.

(iv) The applicant shall ensure that waste from the site does not emanate beyond the site boundaries.

(k) Weed Control and Vegetation Management Plan

(i) The applicant shall commit to prepare (and as necessary, over time modify) and implement a Weed Control and Vegetation Management Plan to the County's satisfaction, acting reasonably. The applicant shall obtain the County's approval of the plan prior to commencement of construction. Both the qualifications of the individual(s) preparing the plan (including an agronomist, and an individual with experience/expertise in fire suppression), and the content of the Weed Control and Vegetation Management Plan must be acceptable to the County's requirements. The Plan shall contain elements acceptable to the County including, but not limited to:

A. Addressing prohibited and noxious weeds,

B. Addressing other plants that could impact agricultural capability (including of adjacent lands),

C. Addressing the accumulation of and removal of plants commonly referred to as tumbleweeds along site fencing, and

D. The control of all site vegetation.

(l) Water and/or Wind Erosion Control Plan.

(i) The applicant will provide a plan showing existing and proposed grading for the solar collector site.

(ii) The drainage and erosion control plan shall be accompanied by a description of practices that will be utilized to prevent erosion and run-off during construction. If there are any modifications to this plan, the applicant will provide a final drainage and erosion control plan prior to commencement of construction.

(iii) The plan design shall consider a 1:100 year flood event.

(m) Geotechnical Report.

(i) The applicant shall provide written certification that prior to construction, a professional Engineer licensed in Alberta will complete a geotechnical study that includes the following:

A. Soils engineering and engineering geologic characteristics of the site based upon on-site sampling and testing.

B. Foundation and tower systems design criteria for all proposed structures.

C. Slope stability analysis.

D. Grading criteria for ground preparation, cuts and fills, and soil compaction.

(n) Septic System.

(i) If the proposed Solar Energy Facility includes uses that must be served by a septic system, the applicant shall comply with applicable Alberta Safety Codes Act requirements. The applicant shall provide a statement certifying that any proposed septic system will comply with applicable County, Provincial, and Federal requirements.

(o) Water System.

(i) If the proposed Solar Energy Facility includes uses that must be served by water, the application shall describe the water source and sufficiency of the water supply for the solar collector facility, and provide certification of intent to enter into and abide by any required Provincial or Federal approvals or licenses.

(ii) If a well is required, the applicant shall obtain the necessary Provincial and/or Federal approvals.

(p) Liability Insurance.

(i) The applicant shall provide evidence of liability insurance to cover loss or damage to persons and structures during construction and operation of the solar collector facility.

(q) Maintenance of Solar Panels.

(i) The applicant shall provide a statement certifying that the solar panels will be maintained and operated in accordance with manufacturer specifications, Owner Environmental Health and Safety Plans, and applicable Occupational Health and Safety (OHS) requirements to ensure the safety of site personnel and the public, and in a manner that reduces fire risks caused by vegetation.

(r) Additional Information and Waivers.

(i) The County may request additional information that may be required to evaluate the proposed solar collector facility.

(ii) The County may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfied applicable standards.

(iii) The developer shall provide the County with copies of all reports and/or approvals from the following:

A. Transport Canada

B. Navigation Canada

C. Alberta Culture and Community Spirit

D. Alberta Environment and Parks

E. Alberta Transportation and Economic Corridors

F. Alberta Sustainable Resource Development (Fish and Wildlife Division)

G. Alberta Tourism, Parks and Recreation

H. Alberta Electric System Operator

I. Alberta Utilities Commission

J. Any other statutory approval

(7) CONDITIONS OF APPROVAL

(a) A Development Authority may impose conditions on a permit for a Solar Energy Facility to ensure that any concerns over the suitability of the development are satisfied, in addition to any other reasonable conditions deemed necessary to ensure the quality of a development and its compatibility with other existing and approved uses in the area.

(b) The Development Authority may apply any standards that are provided for the underlying district.

(c) The Development Authority may, at its discretion, waive any conditions specified in this bylaw for a Solar Energy Facility if it deems such conditions to be unnecessary, overly burdensome, or not conducive to the intended intentions of the SEF land use district. This waiver is contingent upon the Development Authority's assessment that the waiver will not compromise the quality, safety, and compatibility of the development with the surrounding area.

(d) For discretionary uses in this district, the Development Authority may approve such uses on a case by case basis having regard for:
   (i) Information provided in the application;
   (ii) Proximity to other existing land uses in the immediate area;
   (iii) Other utilities;
   (iv) Information received from the circulation of the application and the public.

(e) Road Crossing Agreement. Prior to commencing construction, the Developer shall enter into and during the currency of the approval abide by a road crossing agreement (on terms acceptable to the County) with respect to any transmission or power lines crossing under or over municipal roadways. The applicant must provide detailed crossing plans and certification of intent to enter into and abide by the above noted agreement with the application if applicable.

(f) Road Use Agreement.
   (i) If any County roads will be used during construction of a solar collector facility for the purpose of transporting parts, materials and/or equipment, the applicant shall enter into a road agreement with the County if required by the County.
   (ii) To assist in determining the scope of the impact or agreement, the applicant shall provide the County with a description of proposed uses including anticipated number of vehicles, type and intensity of vehicles and equipment used, a map with roads being travelled for hauling and for daily access of personnel to and from the site, time frame, and location with the Development Application.
   (iii) (The agreement shall comply with the Site Specific Requirements for the SEF district and shall also include the following:
      A. A map showing which County roads will be used during construction.
      B. A pre-construction baseline survey of County roads to be used during construction to document their pre-construction condition. The applicant is responsible for obtaining and paying for the costs of the baseline survey.
      C. A mitigation plan to address traffic congestion and potential impacts to County roads to be used during construction.

D. A legally binding agreement between the applicant and the County that requires the applicant to maintain the roads in a safe and usable condition during construction and return any County roads to their pre-construction baseline condition following construction.

(iv) Prior to commencing construction, the Developer shall enter into and during the currency of the approval abide by both a Road Use Agreement as required by the Municipal Government Act (on terms acceptable to the County), including the County's standard requirements that the Applicant shall reimburse the County's engineering costs, legal costs and to also provide security for compliance with the agreement.

(v) Development Agreement. If the proposed Development requires new and/or upgraded municipal infrastructure to service and access the solar collector facility, the applicant shall enter into a Development Agreement with the County. Prior to commencing construction, the Developer shall enter into and during the currency of the approval abide by both a Road Use Agreement as required by the Municipal Government Act (on terms acceptable to the County), including the County's standard requirements that the Applicant shall reimburse the County's engineering costs, legal costs and to also provide security for compliance with those agreement.

(8) REFERRALS:

(a) Prior to making a decision on a Development Application for a Solar Energy Facility (SEF), the Development Authority shall refer and consider the input from the following:

(i) an adjacent jurisdiction if its boundaries are located within 3.2 km (2 miles) of the proposed Solar Energy Facility (SEF) District, or further if required by an Intermunicipal Development Plan. In instances where the Development Authority refers a Development Application to an adjacent jurisdiction, the Development Authority may request a detailed list of concerns or requirements from the jurisdiction, particularly relating to any capital or ongoing operating cost implications, to ensure these aspects are considered in the County's decision. Furthermore, the Development Authority may direct the applicant to engage with the adjacent jurisdiction for detailed discussions if there is a reasonable basis to believe such implications may exist;

(ii) County landowners within a 800 m (0.5 mile) radius of the proposed Solar Energy Facility (SEF) District; and

(iii) any other relevant regulatory authorities and agencies.

(b) Upon receiving responses from the aforementioned parties, the Development Authority shall assess the concerns and suggestions raised and determine if any further actions or conditions are necessary to address these issues as part of the development approval process.

(9) GENERAL REQUIREMENTS:

(a) All exterior electrical lines shall be buried below the surface of the ground when possible. In cases where underground installation is not feasible due to technical, environmental, or economic constraints, the following guidelines apply to above-ground electrical lines:

(i) The construction of parallel above-ground distribution lines on both sides of a rural road allowance is strongly discouraged.

(ii) When necessary to install above-ground lines, efforts should be made to place power poles offset from each other on opposite sides of a road.

(b) All systems associated with a development shall be designed, constructed, and operated in compliance with the Alberta Safety Codes Act (ASCA) and all relevant regulatory requirements. This includes, but is not limited to, the following areas:
   (i) Buildings;
   (ii) Electrical systems;
   (iii) If applicable, the proposed Solar Energy Facility (SEF) shall demonstrate that the proposed sewage system is designed with applicable ASCA requirements; and
   (iv) If applicable, the Solar Energy Facility (SEF) must demonstrate access to a sufficient potable water supply, which could include a private supply such as a cistern of adequate capacity, a municipal water supply, or other recognized sources, all of which must comply with applicable Alberta Safety Codes Act (ASCA) requirements

(c) If applicable, the panels shall be considered in determining the maximum coverage of structures on the lot parallel to the ground or at their greatest coverage extent as determined by the County, acting reasonably.

(d) Roadways and Access.
   (i) Legal access to roads to the solar energy facility shall be safe and in conformance with access permit requirements of the County.
   (ii) All reasonable efforts must be made to reduce traffic congestion and unsafe traffic conditions during the construction phase or operations.
   (iii) Adequate turning radii or turning lanes shall be installed at all entrances to accommodate large truck movement.
   (iv) Off-street parking and loading zones shall be surfaced with gravel or the equivalent and shall be graded to prevent drainage problems. Measures must be taken to reasonably ensure that no mud, soil, or debris is tracked out onto County roadways.
   (v) Staging activities and parking of equipment and vehicles shall occur on-site and on private rights-of-way and shall be prohibited on maintained County roads.
   (vi) The use of any County roads during the construction phase shall comply with all applicable Federal, Provincial, County, and other regulatory requirements. The applicant is required to enter into a Road Use Agreement with the County, which includes a requirement for comprehensive Mitigation Plan acceptable to the County prior to construction. This plan must address potential impacts to County roads used during construction, with a specific emphasis on maintaining road safety and usability for local traffic throughout the construction period. Furthermore, the applicant is obligated, at their expense, to restore any impacted County roads to their pre-construction baseline condition or to the current municipal road standards, whichever is higher. This restoration must ensure that the roads are not only structurally sound but also safe and fully functional for the benefit of the local community, and built to municipal standards.

(e) Erosion and Sedimentation Control. Erosion and sedimentation control measures that ensure that disturbed areas and soil stockpiles are stabilized during construction shall be implemented. Disturbed areas shall be revegetated in accordance with the highest standards contained in Provincial guidelines, County regulations and policy, landowner agreements and industry best practices.

(f) Drainage/Storm-Water Run-Off. Run-off shall be managed in accordance with applicable County, Provincial, and Federal regulations. The design and management of run-off must ensure that water only leaves the site at the predevelopment rate. Additionally, all drainage designs shall account for a 1:100 year flood event to minimize flood risk. If applicable, the applicant shall obtain a Water Act Approval from the applicable Provincial Department.

(g) Protection of Surrounding Lands. The Solar Energy Facility shall not have a significant adverse impact on the local area including agricultural lands and agricultural operations above what is allowed under Federal, Provincial and County statutory requirements and landowner lease agreements.

  (i) Fire Protection. The solar energy facility shall have adequate fire control and prevention measures.

  (ii) Glare, Dust or Noise. Construction and operation of the solar energy facility shall not significantly increase existing glare, dust, or noise at surrounding properties. The panels shall be located so as to minimize glare visible from an abutting property.

  (iii) The proposed solar energy facility shall comply with the statutory provisions for the Alberta Utility Commission maximum permissible noise levels.

  (iv) Fugitive dust and particulate emissions shall be controlled on the site.

  (v) Waste materials shall be handled, stored, and disposed of in a manner that controls fugitive dust, fugitive particulate conditions, blowing debris and other potential nuisance conditions.

(h) Underground Location of Electrical Collection System Wiring. Unless geologic conditions or other technical engineering considerations prevent underground installation such as wiring between systems, electrical collection system wiring and powerlines for the solar energy facility shall be installed underground except where the solar energy facility wiring is brought together from the project substation to the point of electrical interconnection. Overhead transmission lines are permissible from the project substation to the point of electrical interconnection.

(i) Interconnection and Electrical Distribution Facilities.

  (i) Transmission from the project substation to the point of electrical interconnection shall comply with the most recent version of the applicable provincial and federal regulatory codes.

  (ii) Interconnection shall conform to the requirements of the electric utility company, and applicable provincial and federal regulatory codes.

(j) Certification of Equipment and Appurtenant Facilities.

  (i) All solar collector facilities shall be reviewed by a registered structural Engineer, licensed in Alberta, to confirm their compliance with the applicable Provincial, Federal and local regulations and to conform with good engineering practices.

  (ii) The electrical system shall be certified by a registered Electrical Engineer, licensed in Alberta, to the compliant with the applicable Provincial, Federal and local regulations, and to conform with good engineering

practices.

(k) A developer shall ensure that drainage of natural water leaving the site does so at or below at the pre-development rate.

(l) A developer shall control all vegetation on the site.

(m) The site shall be maintained at all times in a visually pleasing manner to the satisfaction of the Development Officer. This shall include, but is not limited to removal of garbage, construction debris and removal of weeds which collect along the site fence.

(n) Materials stored at the site must be stored in an orderly manner, free of weeds and located in accordance with the required setbacks for the underlying Land Use District.

(o) Any noxious weed found on the site must be either removed or controlled without delay.

(p) To ensure public safety, the Development Authority may require that:

(i) A security fence with a lockable gate shall surround a Solar Energy Facility (SEF) not less than 1.8 metres (5.9 feet) in height.

(ii) Such additional safety mechanisms or procedures be provided as the Development Authority considers reasonable and appropriate.

(10) SPECIFIC USE REQUIREMENTS

(a) GROUND-MOUNTED SOLAR COLLECTOR CONDITIONS

(i) Ground-mounted solar collectors shall:

A. not exceed 10 meters in height or 12 meters in height for agrivoltaics when oriented at maximum tilt;

B. not be located within any third-party easement on the property without written approval from such third-party easement holder; and

C. be located so as to minimize glare visible from abutting properties.

(b) ACCESSORY GROUND-MOUNTED SOLAR COLLECTOR CONDITIONS

(i) Accessory ground-mounted solar collectors shall:

A. Be located in a side or rear yard only;

B. Be set back at least 2 meters from the side and rear property line;

C. Not be located within any third-party easement on the property without written approval from such third-party easement holder;

D. Be located so as to minimize glare visible from abutting properties;

E. Not exceed 15 feet in height with panels oriented in a vertical position; and

F. Be included in determining the maximum coverage of structures on the lot.

(c) ACCESSORY BUILDING-MOUNTED SOLAR COLLECTOR CONDITIONS

(i) Accessory building-mounted solar collectors shall:

A. Not extend more than 0.2 meters above the maximum height permitted in the land use district in which it is located;

B. If mounted to a portion of the roof ending at, or extending over, the front façade of the building, shall be mounted so that the edge of the device is set back at least 0.3 meters (one foot) from the edge of the roof closest to the front lot line; and

C. If mounted to the wall of a building, may extend into or over no more than 33 percent of the depth of a minimum yard or setback that is required along a side lot line but shall not extend closer than 1.22 meters to a side lot line.

(d) SOLAR ENERGY FACILITY CONDITIONS

(i) All applications for a Solar Energy Facility (SEF) shall comply with the following requirements:

(ii) The developer shall ensure that all studies and plans submitted as part of the development application comply with the County's established guidelines and standards. Any risks or issues identified must be addressed with appropriate corrective measures in the submitted documentation.

(iii) In cases where specific issues such as traffic, noise, glare, environmental impact, or stormwater management concerns are identified, the developer is required to propose concrete mitigation strategies which reduces the level of risk to within acceptable limits. For example:

A. For glare issues: Implementation of anti-glare technology or strategic landscaping, such as planting trees or shrubs, to mitigate the impact.

B. Noise Impact Assessment: An analysis of the potential noise impacts of the facility, particularly if inverters or other equipment are close to residential areas.

C. For stormwater concerns: Development of comprehensive stormwater management systems that ensure safe and effective handling of runoff in compliance with local and provincial environmental regulations. The design criteria shall consider the 1:100-year precipitation event.

D. Environmental Impact Assessment: A report assessing the potential environmental impacts of the project, including effects on local wildlife, vegetation, soil, and water resources.

E. Traffic Impact Study: An assessment of the project's impact on local traffic during construction and operation, with strategies to mitigate any adverse effects.

F. Visual Impact Assessment: Photographic simulations or digital renderings depicting the proposed facility from various vantage points, demonstrating its visual impact on the surrounding area.

(11) COLOUR AND FINISH:

(a) Unless otherwise required by the Development Authority, a Solar Energy Facility (SEF) excluding the solar collecting surfaces shall be finished in a non-reflective matte and in a colour which minimizes the obtrusive impact of a Solar Energy Facility (SEF) to the satisfaction of the Development Authority.

(b) No lettering or advertising shall appear on the any portion of the Solar Panels or their supporting structures other than the manufacturer’s and/or owner’s identification number.

(12) REPOWERING:

(a) Should a developer of an existing mature Solar Energy Facility (SEF) propose an equipment change varying significantly from the original approval, the developer shall apply for a new Development Permit.

(b) Should a Solar Energy Facility (SEF) project propose infill development within an existing mature Solar Energy Facility (SEF), the developer shall apply for a new Development Permit.

(13) DECOMMISSIONING:

(a) Should a Solar Energy Facility (SEF) discontinue producing power or produce power at less than 5% of system power production for two years or more, the Solar Energy Facility (SEF) operator shall provide a status report to the Development Authority. A review of the status report may result in a request for the Solar Energy Facility (SEF) to be decommissioned.

(b) The Solar Energy Facility (SEF) shall be decommissioned and reclaimed in accordance with all applicable legislative requirements, including those of the Alberta Utilities Commission or its successors, in place at the time of decommissioning and reclamation.

(c) Failure to comply with decommissioning request may result in the issuance of an Order of Compliance by the designated officer in accordance with the provisions of the Act.

(14) VALIDITY OF THE DEVELOPMENT PERMIT:

(a) Commencement of Construction shall occur within three (3) years of the issuance of the permit. Applications for time extension(s) may only be considered by the Development Authority for a one-year term.

(b) Any portion of construction pursuant to a valid permit not completed within three (3) years of Commencement of Construction shall require a new Application unless a time extension has been granted.

(c) Applications for time extension(s) may only be considered by the Development Authority for a one-year term.

Schedule A

Land Use Bylaw Amendments				
Bylaw Number	**Location**	**Classification**	**Registration**	**Name**
2009-13	NE-07-11-09-W4	CR		Franz Froese
2009-15	NE-20-10-10-W4	CR2		Prairie Ridge Farms
2009-16	SW-30-11-09-W4	CR2		Oosterhuis Farms
2009-18	SE-08-10-12-W4	CR		Rients Wever
2010-01	SE-05-11-08-W4	I		Fred Verhaest/Iron Horse Transloading
2010-06	SW-31-09-10-W4	CR		Nathan/Sara Nieboer
2011-01	SW-25-10-11-W4	CR2		Glen/ Bonnie Campbell
2011-08	SE-06-12-09-W4	CR2		Nyle/Nancy Starner
2012-01	SW-28-10-12-W4	CR2		Corns Brothers Farms
2012-04	Lots1-3 Block 9 Plan 248A	Hamlet Residential		Tim Seitz
2012-07	NW-21-10-11-W4	I		Rowen Friesen
2013-04	SW-14-12-08-W4	CR		Virgil Covel
2013-05	NW-21-11-10-W4	I		Kent/Myles Baerg
2013-06	SE-04-07-11-W4	CR2		Dave/Jim Hougen
2013-09	NE-03-12-08-W4	RR1		Murray Herman
2013-11	SW-17-11-09-W4	CR		Oosterhuis Farms
2014-04	NW-23-10-12-W4	CR2		Travis Nelson
2014-07	NE-10-10-12-W4	CR2		Catherine Doherty
2015-08	NW-07-09-12-W4	CR2		Michael Ell
2015-14	SE-27-08-12-W4	CR		Henry Klassen
2016-01	To add SEF Classification	SEF		
2016-10	SE-18-11-09-W4	CR		Oosterhuis Farms
2016-05	SE-15-08-11-W4	RR1		David Amantea
2017-03	SE-17-10-10-W4	CR		Curtis Bouw
2017-05	SE-15-10-12-W4	SEF		Sun E Earth Alberta Solar
2017-06	NW-13-08-12-W4	SEF		Sun E Earth Alberta Solar
2017-07	NW-22-08-11-W4	RR1		Patti/Alan Martineau
2017-09		WEF		Suncor Energy
2017-12		WEF		Renewable Energy Systems
2018-04	NW-07-10-12-W4	CR		Niek Lanberts
2018-05	NE-09-10-12-W4	CR2		Cornelius Friesen
2018-06	SW-31-09-10-W4	CR		Bruce Corraini
2018-09		WEF		Capital Power

2018-16	Lot 1 Block 2 Plan 0811961	DC-1	David Klassen/Sunrise Panel Manufacturing
2019-03	NE-21-10-12-W4	SEF	Alberta Solar One Inc.
2019-08		WEF	Renewable Energy Systems
2019-11		WEF	Suncor Energy
2019-13		WEF	Enerfin Energy Company
2020-02	SW-06-11-10-W4	CR	Richard/Barbara Hirch
2020-05	SW-05-12-09-W4	CR2	Rod Nelson Farms Ltd.
2020-20	NW-34-07-10-W4	WEF	Whitla 2 Wind Gerneration L.P.
2020-21		WEF	Enerfin Energy Company
2020-24		WEF	Enerfin Energy Company
2021-02	Lot 1 Block 1 Plan 0711724	PI	Old Colony Mennonite Church/Jacob Enns
2022-03		SEF	Forty Mile Granlea Wind Gp Inc.
2022-04	SE-15-10-12-W4	SEF	Aura Power Renewables Ltd.
2022-05	SE-28-1-08-W4	SEF	Enerfin Energy Company
2022-07	SW-11-11-10-W4	CR	Pat Goosen
2022-09	NW-09-10-12-W4	CR	Cory Heinrichs
2023-05	SW-32-10-12-W4	CR	Dave Gross
2023-05	SW-32-10-12-W4	CR	Dave Gross - Revised
2024-02			Amendments to the Land Use Bylaw
2024-08	Aira Wind Power	SEF	Adding Solar Energy Facility District

SCHEDULE B

PROTECTION OF EXISTING CONFINED FEEDING OPERATIONS

(1) The Municipal Planning Commission shall restrict the development of incompatible land uses adjacent to Confined Feeding Operations and shall ensure that an appropriate setback based on the Minimum Distance Separation (MDS) formula is maintained.

(2) Upon receipt of a Development or Sub-division Application for a non-intensive agricultural use or a non-agricultural use within an Agricultural District, the Development Officer shall:

a) Plot the location of the proposed development on the most recent available land use map showing the location of known confined feeding operations;
b) Determine whether there are any existing Confined Feeding Operations within 1,000 metres (3,280 feet) of the proposed development;
c) Where an apparent conflict is present, make verbal contact with the operator of the Confined Feeding Operations to determine the current operational status of the facility and to advise of the proposed development;
d) Where potential conflict appears likely, undertake a site inspection to determine the capacity of the Confined Feeding Operations and the separation distance from the proposed development in accordance with procedures established pursuant to the current version of the Confinement Livestock Facilities Waste Management Code of Practice;
e) Calculate the Minimum Distance Separation (MDS) for Non-Agricultural Development;
f) Where the proposed non-agricultural development falls within the established Minimum Distance Separation from an existing intensive livestock operation, the Development Officer shall refer the proposal to the Municipal Planning Commission for a decision on the application.