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

Clear Lake

AREA STRUCTURE PLAN



Prepared by the

OLDMAN RIVER REGIONAL SERVICES COMMISSION

July 2005

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

BYLAW NO. 1466

BEING a bylaw of the Municipal District of Willow Creek No. 26 in the Province of Alberta, to adopt Bylaw No. 1466, being the Clear Lake Area Structure Plan.

WHEREAS the Municipality has been requested to prepare and adopt an Area Structure Plan for the Clear Lake Project;

AND WHEREAS the municipal Council wishes to adopt a comprehensive plan which governs land use adjacent to this water management project;

AND WHEREAS the purpose of proposed Bylaw No. 1466 is to adopt a land use plan which would govern the future subdivision and development of the lands within the plan boundaries while still accommodating agricultural pursuits within this identified area;

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipal District of Willow Creek No. 26 in the Province of Alberta duly assembled does hereby enact the following:

1. Council shall adopt an area structure plan in accordance with the provisions of the Act.

2. This plan, upon adoption, shall be known as the Clear Lake Area Structure Plan.

3. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this 20th day of April, 2005.

Reeve – Evan Berger

Chief Administrative Officer - Cindy Vizzutti

READ a **second** time this 13th day of July, 2005.

Reeve – Evan Berger

Chief Administrative Officer - Cindy Vizzutti

READ a **third** time and finally **PASSED** this 13th day of July, 2005.

Reeve – Evan Berger

Chief Administrative Officer - Cindy Vizzutti

TABLE OF CONTENTS

Page

1.0 INTRODUCTION 1

1.1 Clear Lake in Historical Context 1

1.2 Regional Location 2

1.3 Purpose 2

1.4 Legislative Authority 3

1.5 Planning and Planning Consultation Process 3

2.0 LAND USE 5

3.0 GOALS AND OBJECTIVES 6

3.1 Goals 6

3.2 Objectives 6

4.0 LAND USE POLICIES 7

4.1 General 7

4.2 Agricultural Lands 7

4.3 Country Residential 8

4.4 Commercial / Private Recreation 8

4.5 Rural Industrial 9

4.6 Crown Lands 9

5.0 TRANSPORTATION AND UTILITIES 10

6.0 REDESIGNATION PROCESS 11

6.1 Objectives 11

6.2 Procedures 11

7.0 IMPLEMENTATION, ADMINISTRATION AND AMENDMENTS 14

APPENDICES:

Appendix 1 – DEFINITIONS

Appendix 2 – LAND USE DISTRICTS

MAPS:

Map 1 – REGIONAL LOCATION ..... page 2

Map 2 – AREA STRUCTURE PLAN BOUNDARY ..... following page 5

Clear Lake

AREA STRUCTURE PLAN

1.0 INTRODUCTION

1.1 CLEAR LAKE IN HISTORICAL CONTEXT

Clear Lake is a naturally occurring water body located in the Municipal District of Willow Creek. The lake receives inflow from an intermittent stream, Clear Brook, and as a result, historic water levels in the lake have fluctuated. Since the early 1920s, Clear Lake has been considered as a potential storage site to support recreation and irrigated agriculture. The majority of plans proposed for the lake involved the diversion of water from the Highwood River to Mosquito Creek to Clear Lake.

In 1945 Ducks Unlimited proposed to construct a dam on Mosquito Creek to divert water to stabilize levels in Clear Lake. Again in 1963, the Stavely Fish and Game Association urged the province to divert water to the lake to ensure sport fish populations would be put at risk from dropping water levels.

Dry conditions in the late 1970s and early 1980s saw Clear Lake continue to experience problems with low water levels. By the fall of 1985 the lake was totally dry. During this time, the Little Bow Water Users Association approached Alberta Environment regarding water problems that were being experienced throughout the entire Little Bow Basin. As a result, a water management study was initiated for the basin.

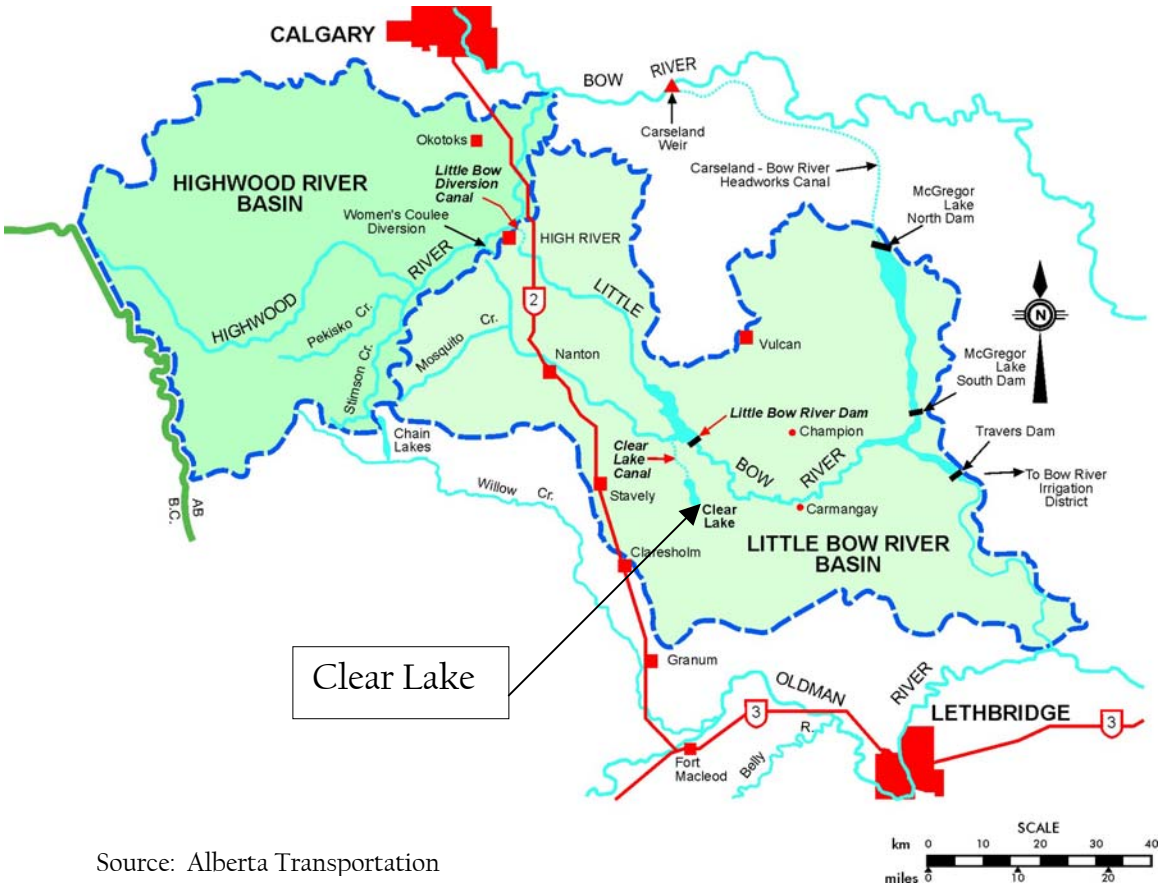
Phase I of the Little Bow Basin Study (1981-1985) included identifying water problems for the entire basin, operational solutions and preparation of an action plan. In response to local concerns with the lack of water in Clear Lake, the Clear Lake Committee was formed in 1982 and members approached the Little Bow Public Advisory Committee to request that the Clear Lake Area be included in the study. Phase II of the study (1985-1987) involved the development of forecasts of future water demands and the investigation of management options. When Clear Lake dried up in 1985, plans for stabilizing the lake level were incorporated into the project.

A 10 km (6 mile) diversion canal from Mosquito Creek to Clear Lake was completed in 2001 and diversions of water have occurred in both 2002 and 2003.

1.2 REGIONAL LOCATION

Clear Lake is located approximately 16 km east of Stavely within the Little Bow River Basin within southern Alberta (see Map 1). Identified as a regionally significant environmental area, Clear Lake is characterized by seasonal wetlands that are important nesting areas for birds.

Map 1



Source: Alberta Transportation

1.3 PURPOSE

The approval of the Little Bow Project by the Natural Resource Conservation Board included a condition to prepare an area structure plan for the land adjacent to the newly created reservoir. As the Clear Lake Component of the Little Bow Project developed, the need was identified to also adopt an area structure plan for the lands adjacent to Clear Lake, which would be supported by the Council for the Municipal District and area landowners.

This area structure plan will provide a framework for the subdivision and development of the lands surrounding Clear Lake. It will serve as a guide for the administration and elected and appointed officials of the Municipal District of Willow Creek, area land owners, potential developers, provincial departments, the general public and any special interest groups who are concerned with the agricultural, natural, historic or recreational resources in the area in order to manage the lands surrounding Clear Lake in the best possible way.

1.4 LEGISLATIVE AUTHORITY

Pursuant to Part 17 of the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26, as amended, a municipality is responsible for the control of land use and development on private land within its boundaries.

Several planning tools are available to the municipality to manage and control development for a particular area. One of which is the area structure plan, a statutory document a municipality can adopt pursuant to section 633 of the Municipal Government Act, 2000.

Area Structure Plans

633 *(1) For the purpose of providing a framework for subsequent subdivision and development of an area of land, a council may, by bylaw, adopt an area structure plan.*

(2) An area structure plan

(a) must describe

(i) the sequence of development proposed for the area,

(ii) the land uses proposed for the area, either generally or with respect to specific parts of the area,

(iii) the density of population proposed for the area either generally or with respect to specific parts of the area, and

(iv) the general location of major transportation routes and public utilities, and

(b) may contain any other matters the council considers necessary.

1.5 PLANNING AND PLANNING CONSULTATION PROCESS

On September 5, 1994, the Planning Act, RSA 1980, was replaced with Part 17 of the Municipal Government Act, 1994. Within Part 17, area structure plans are defined as statutory plans and must conform to all regulations governing statutory plans listed in Division 4 in addition to section 633. As well, all statutory plans pursuant to section 622(3) must be consistent with the Provincial Land Use Policies developed by Alberta Municipal Affairs in consultation with several other government departments such as Alberta Environment, Alberta Agriculture, Food and Rural Development, Alberta Economic Development, Alberta Community Development, and Alberta Transportation.

Municipalities are encouraged to "foster the establishment of land use patterns which make efficient use of land, infrastructure, public services and public facilities; promote resource conservation; enhance economic development activities; minimize environmental impact; protect significant natural environments and contribute to the development of healthy, safe and viable communities."

In addition, municipalities are encouraged "to coordinate their planning activities and development approval processes with provincial resource and land management policies such as integrated resource plans, and with provincial leasing mechanisms, such as the Alberta Tourism Recreational Lease Process," and "to work directly with provincial land and resource management agencies in the development of plans and policies on issues of mutual interest. Decisions and approvals affecting land use and development on, near, or with potential to impact provincial resources such as beds and shores of provincially-owned water bodies and watercourses (pursuant to section 3 of the Public Lands Act) and provincially-owned lands should be coordinated between these levels of government."

In an effort to comply with these policies while recognizing the study area includes both private and public lands, with the Municipal District of Willow Creek having jurisdiction over private lands and the provincial government handling public lands, this area structure plan was prepared in consultation with various provincial government departments and agencies and private stakeholders.

The municipality also has an obligation to allow for public participation into the area structure plan process to any person who may be affected by the plan pursuant to sections 230, 606, 636 and 692 of the Municipal Government Act, 2000. Public involvement was solicited through public meetings before the draft plan was prepared.

Once a draft plan was completed, it was circulated to all concerned stakeholders and agencies. After incorporating any changes, the draft plan required first reading from the council of the Municipal District of Willow Creek and a public hearing was held pursuant to section 692 of the Municipal Government Act, 2000. Following any subsequent revisions the draft plan was given second and third readings and adopted by municipal district council.

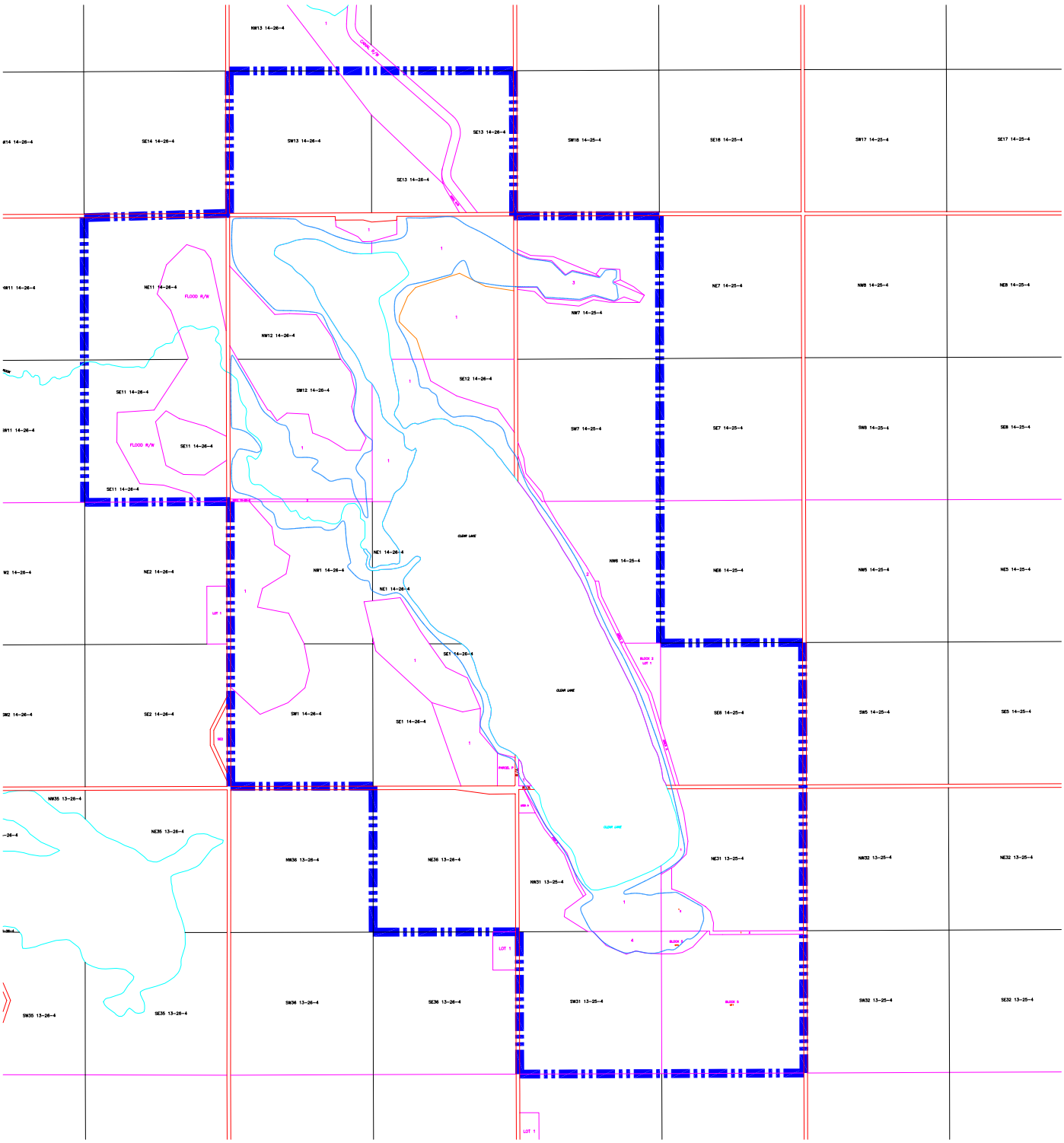
2.0 LAND USE

The plan area consists of an approximate ½ to 1-mile area surrounding Clear Lake and is shown on Map 2. The existing land use within the study area is predominantly agricultural with most of the land utilized as either cropland or grazing land. There are few existing residences and they are located in conjunction with agricultural uses. A large amount of marginal land located to the north and west of Clear Lake is owned by Alberta Municipal Affairs and utilized as conservation wetlands. In addition, Clear Lake Municipal Park is located within the plan area.

With the filling and maintenance of water levels in Clear Lake, the overall character of the area would be significantly improved for local residents and recreational visitors and as a result a number of opportunities would be added for lake-based recreation in the region.

Issues associated with Clear Lake during the 1980s and 1990s have been essentially eliminated by the annual allotment of water from Mosquito Creek via the newly constructed diversion canal. The identification of regulated supply levels has ensured not only irrigation opportunities but also a stable recreation water body.

Much of access to the shore lands surrounding Clear Lake is limited especially on the east side of the water body.



CLEAR LAKE

AREA STRUCTURE PLAN

MAP 2

LEGEND:

AREA STRUCTURE PLAN BOUNDARY

CLEAR LAKE FULL SUPPLY LINE (Elevation 966)

November 02, 2004 N:\Willow-Creek-MD\Clear Lake ASP 2003\CLEAR LAKE ASP.dwg

MAP PREPARED BY:
OLDMAN RIVER REGIONAL SERVICES COMMISSION
3105 16th AVENUE NORTH, LETHBRIDGE, ALBERTA
TEL 329-1344 TTH 328
"NOT RESPONSIBLE FOR ERRORS OR OMMISSIONS"

OLDMAN RIVER INTERMUNICIPAL SERVICE AGENCY

0 Metres 100 200 300 400

N

3.0 GOALS AND OBJECTIVES

3.1 GOALS

The following goals will act as the basis for the formulation of the plan objectives and resultant municipal land use policies for the lands contained within this area structure plan.

1. To provide a framework for the subsequent subdivision and development of lands identified within this plan's boundaries and for other potential water management projects within the municipality.

2. To minimize any potential land use conflicts within the plan boundaries through the implementation of the area structure plan policies in the municipality's land use bylaw and municipal development plan, recognizing the need to be consistent with the Provincial Land Use Policies.

3. To ensure that the appropriate provincial government departments who administer the Crown lands are informed and consulted prior to any land use planning decisions or actions on adjacent private land within the plan area.

3.2 OBJECTIVES

1. To minimize land use conflicts between agricultural and non-agricultural activities.

2. To establish subdivision and development-related criteria to guide and assist the municipality in rendering planning-related decisions within this area.

3. To ensure that all policies and subsequent decisions and actions are consistent with the Provincial Land Use Policies and other local planning bylaws.

4. To ensure that the appropriate government departments are notified and consulted prior to planning decisions or actions which may adversely affect adjacent Crown lands.

5. To protect current land uses and minimize land use conflicts with the prevailing agricultural patterns.

6. To encourage non-agricultural land uses to locate on lands suitable for the use proposed by the applicant.

7. To ensure the provision of a safe, effective and efficient road network within the reservoir vicinity.

8. To ensure that appropriate amendments are made to the Municipal District of Willow Creek's land use bylaw for the incorporation of pertinent land use districts to coincide with the area structure plan boundaries and uses proposed for the said lands.

4.0 LAND USE POLICIES

4.1 GENERAL

Policies

4.1.1 Lands within the area structure plan boundaries shall be designated as "Reservoir Vicinity" under the municipal district's land use bylaw.

4.1.2 All proposed non-agricultural uses not allowed within the "Reservoir Vicinity" land use district will require a redesignation to either "Grouped Country Residential" or "Rural Recreational" by the municipal council prior to any decision being rendered on a proposed subdivision or development application.

4.1.3 The municipal district's land use bylaw has been amended to provide for the inclusion of the pertinent land use districts which prohibit, regulate and control land use within the area structure plan boundaries (see Appendix 2).

4.1.4 At the discretion of the municipal council or the appropriate approving authority, a more detailed area structure plan may be required to be submitted in conjunction with a land use redesignation request on lands within the plan boundaries.

4.1.5 Prior to rendering decisions on subdivision and/or development applications, the appropriate approval authority shall solicit and take into consideration the comments of any government department or agencies to whom the application was circulated.

4.1.6 Any action or decision rendered by the approval authority shall be consistent with the Provincial Land Use Policies, the Municipal Government Act, the Subdivision and Development Regulation and all municipal planning-related bylaws.

4.1.7 The Municipal District of Willow Creek No. 26 shall address each subdivision and development proposal on its own merits based on the criteria proposed in this bylaw and, as such, the sequence of any development proposed within the area structure plan boundaries has not been specified.

4.2 AGRICULTURAL LANDS

Policies

4.2.1 The "Reservoir Vicinity" land use district shall govern all land use for agricultural purposes within the area structure plan boundaries.

4.2.2 Any non-agricultural use not listed as permitted or discretionary shall require a land use redesignation to either "Grouped Country Residential" or "Rural Recreational" by the municipal council prior to any decision on a proposed subdivision or development application.

4.2.3 The subdivision of agricultural lands for extensive or intensive agricultural use shall be in accordance with the municipality's land use bylaw and municipal development plan.

4.3 COUNTRY RESIDENTIAL

Policies

4.3.1 The maximum parcel size for a developed single-lot country residential use created by subdivision shall be 5 acres (2.0 ha).

4.3.2 A subdivision which proposes to create a vacant or undeveloped parcel for country residential use shall be prohibited within the area structure plan boundaries.

4.3.3 Any lands proposed for grouped country residential use shall be redesignated by the municipal council prior to any decision being rendered on an application for subdivision or development approval.

4.3.4 The minimum parcel size for a grouped country residential subdivision shall be 3 acres (1.2 ha).

4.3.5 A subdivision application which proposes to create three or more country residential parcels within the area structure plan boundary may be required to prepare a more detailed area structure plan which addresses geotechnical matters, waste water and sewage disposal, densities of development, environmental considerations, reservoir access and any other matters council deems necessary.

4.3.6 The municipal council may require an applicant, as a condition of subdivision or development approval, to enter into a development agreement to construct or pay for the construction of additional infrastructures identified in the Act.

4.3.7 The municipal council may entertain the smaller parcels sizes for particular developments provided approved water distribution and/or sewage treatment systems are installed.

4.4 COMMERCIAL / PRIVATE RECREATION

Policies

4.4.1 Any lands proposed for commercial and/or private recreation use shall be redesignated by the municipal council prior to any decision being rendered on an application for subdivision or development approval.

4.4.2 An applicant proposing a commercial and/or private recreational use which proposes access or development to the lake shall be required to obtain the necessary access agreements from the appropriate provincial departments.

4.4.3 An application which proposes to develop a commercial and/or private recreational use within the area structure plan boundary may be required to prepare a more detailed area structure plan.

4.4.4 The municipal council may require an applicant, as a condition of subdivision or development approval, to enter into a development agreement to construct or pay for the construction of those matters identified in the Act.

4.5 RURAL INDUSTRIAL

Policies

4.5.1 Isolated rural industrial uses shall not be prohibited in the "Reservoir Vicinity" land use district.

4.5.2 Proposed grouped rural industrial subdivision or development shall be encouraged to locate in other areas of the municipal district or in nearby urban centres.

4.6 CROWN LANDS

Policies

4.6.1 The appropriate government departments having jurisdiction on Crown lands within the plan boundaries are requested to have regard for the policies established within this bylaw.

4.6.2 To ensure proper notification of adjacent land owners, government departments are requested to obtain municipal approval for any development proposed on Crown lands.

4.6.3 Any development on Crown lands should be compatible with adjacent private lands to minimize land use conflicts.

4.6.4 Prior to the disposition on Crown lands, the appropriate government department is encouraged to inform the Municipal District of Willow Creek No. 26 of the said disposition.

5.0 TRANSPORTATION AND UTILITIES

The existing adjacent road network consists of local roads. The paved road east of Highway 2 is a local road under the control of the Municipal District and designed for faster moving traffic. Other local roads are gravelled municipal roads that provide farm and recreation access. The lack of developed roads to provide access to the eastern portion of Clear Lake may require the construction of additional municipal roads. Any new roads shall be constructed to municipal standards taking into account ditch drainage capacity and the direction of drainage as well as the protection of scenic natural features. As well, current setbacks for development from roadways in the municipal district's land use bylaw will be adhered to in order to provide for safety and access considerations.

At the present time, utilities located within the plan area include domestic power, telephone and natural gas service lines.

Policies

5.1 Construction of any new roadways shall be done according to municipal standards with those standards being outlined in a development agreement.

5.2 Any new accesses created for a subdivision or development proposal to the road network shall be constructed to the satisfaction of the municipal district and should be designed with regard to safety considerations.

5.3 Any new development in the plan area shall abide by the setbacks from roadways outlined in the municipal district's land use bylaw.

5.4 The provision or relocation of any utilities required to provide services to a development shall not adversely affect the existing road network or the integrity of Clear Lake.

6.0 REDESIGNATION PROCESS

The proposed "Reservoir Vicinity" land use district, which will govern land use via the land use bylaw, is essentially a restrictive agricultural district. An application for subdivision and/or development approval for non-agricultural usage that is not identified as either a permitted or discretionary use in the "Reservoir Vicinity" district, shall be required to have the said lands redesignated by the municipal council prior to a decision being rendered by the appropriate approving authority.

6.1 OBJECTIVES

6.1.1 To provide a forum for the initial contact with the developer and the Subdivision and Development Authority, being the Municipal Planning Commission.

6.1.2 To establish a close liaison between the Municipal Planning Commission and the municipal council.

6.1.3 To provide a framework for the Municipal Planning Commission to:

(a) make an initial recommendation to the council on the proposal;

(b) compile a list of pertinent government departments, referral agencies and adjacent land owners to contact regarding the proposed land use redesignation;

(c) recommend that other information pertinent to the specific proposal be provided to council by the developer.

6.2 PROCEDURES

6.2.1 The developer shall approach the Municipal Planning Commission with an initial proposal and drawings. At that time, the Municipal Planning Commission shall assess the developer's initial plans and recommend to council either that:

(a) the proposal has merit and suggests possible government departments and referral agencies to contact and indicates other information that would be pertinent; or

(b) the proposal be rejected.

6.2.2 When making an application to redesignate land within the plan boundaries to "Grouped Country Residential" or "Rural Recreational", the applicant shall submit a written request to council asking for an amendment to the land use bylaw to redesignate the appropriate lands.

6.2.3 At the regular council meeting, the municipal district council shall review the Municipal Planning Commission recommendations and acknowledge the request for redesignation. The council shall authorize all pertinent information and requests for referral agency comments pertaining to the specific proposal.

6.2.4 Upon the request of council, the applicant shall submit relevant data including, if appropriate:

(a) up to 25 sets of architectural drawings illustrating the proposed development, including detailed site development plans showing legal descriptions and contour information;

(b) geotechnical evaluations where there are topographical constraints and the possibility of slope instability;

(c) soil stability test sheets from an approved source;

(d) detailed water supply and sewage disposal plans acceptable to the Headwaters Regional Health Authority and Alberta Environment;

(e) near-surface water table test information to a depth of at least 7.0 feet (2.13 m) from the ground surface;

(f) any other information required by council.

6.2.5 Prior to considering a land use redesignation request, all pertinent information regarding the proposal shall be circulated to the appropriate government departments and agencies for their specific comments. Unless specifically excluded by council, comments shall be solicited from:

- the Oldman River Regional Services Commission
- Telus
- FortisAlberta
- ATCO Gas Company
- Calgary Regional Health Authority
- Livingstone Range School Authority
- Alberta Agriculture, Food and Rural Development
- Alberta Community Development
- Alberta Environment
- Alberta Economic Development
- Alberta Transportation
- Alberta Energy and Utilities Board
- and any other department or agency that council deems appropriate to be notified.

6.2.6 Council shall receive any additional data provided by the developer and pertinent referral agency comments. Council shall submit these items to the Municipal Planning Commission for evaluation and a subsequent recommendation.

6.2.7 Before a land use designation is approved, council shall:

(a) hold a public hearing and consider all comments of those in attendance;

(b) consider all pertinent comments received from the referral agencies including Alberta Environment.

6.2.8 In considering applications for redesignation to "Grouped Country Residential" or "Rural Recreational" council may also consider the following:

(a) the safe and efficient use of nearby highways;
(b) future resource development;
(c) access to or development of existing or potential recreation amenities;
(d) the effects to surrounding agricultural operations;
(e) critical wildlife habitats and environmentally significant areas;
(f) provision of utilities;
(g) areas prone to flooding or groundwater influences;
(h) water supply and sewage disposal;
(i) areas of historical or archaeological significance;
(j) the potential erosion of soil;
(k) the deterioration of water quality;
(l) the detrimental effect on the reservoir to provide a reliable source of domestic water for downstream users;
(m) the detrimental effect on the irrigation functions of the reservoir;
(n) any other matter the municipality considers necessary.

6.2.9 After all pertinent comments and additional information has been reviewed; council shall either redesignate the said land accordingly or refuse the redesignation request.

6.2.10 Upon the receipt of a development or subdivision application, the appropriate approving authority shall, as a condition of approval, require the applicant to enter into a development agreement with the Municipal District of Willow Creek No. 26 and assume all costs and responsibilities as established within the said agreement.

6.2.11 Where, in its judgement, the scale or complexity of the proposed development warrants it, council may require the developer to prepare a more detailed area structure plan for circulation to referral agencies, pursuant to sections 230, 606 633 and 692 of the Municipal Government Act.

7.0 IMPLEMENTATION, ADMINISTRATION AND AMENDMENTS

The Clear Lake Area Structure Plan has been prepared to provide a planning tool for the subsequent subdivision and development of privately-owned lands within the plan boundaries for the Municipal District of Willow Creek No. 26. Upon adoption as a municipal bylaw, the municipal district is responsible for the implementation, administration and monitoring of this plan. As there is a significant portion of Crown land adjacent to the Lake that is administered by the provincial government within the plan boundaries, the relevant provincial departments are encouraged to have regard to the policies established in this document.

7.1 Pursuant to sections 230, 606, 633 and 692 of the Municipal Government Act, this document, upon adoption, shall be deemed to be a statutory document and a bylaw of the Municipal District of Willow Creek No. 26 in the Province of Alberta.

7.2 Upon adoption, the Municipal District of Willow Creek No. 26 shall be responsible for the administration of this plan and the adherence to the policies prescribed in this bylaw.

7.3 Upon adoption, this plan shall be circulated to the appropriate government departments for information.

7.4 The adoption of this area structure plan does in no way supercede any other statutory plans being the municipal development plan and the land use bylaw.

7.5 Upon adoption, the municipal district's land use bylaw shall be amended to incorporate the land use districts contained in Appendix 2 of this document.

7.6 The definitions contained herein in Appendix 1 shall be applicable to this bylaw.

7.7 The province is responsible for administering land use on Crown lands and are hereby requested to make application for municipal approval for any development adjacent to privately-owned lands.

7.8 All subdivision, development and land use redesignations of private lands within the plan boundaries shall be undertaken in accordance with the policies and procedures outlined in this plan.

7.9 This plan shall be reviewed by the municipal council at least once every five years.

7.10 Amendments to this area structure plan shall be undertaken in accordance with the procedures outlined in the Municipal Government Act.

7.11 Council shall consider input from the municipality's planning advisor, any affected parties, government departments or referral agencies before amending this plan.

Appendix 1

DEFINITIONS

DEFINITIONS

In this bylaw, words used in the singular include the plural, and words using the masculine gender include the feminine gender.

Accessory building means any building:

(a) which is separate from the principal building on the lot on which both are located and the use of which the designated officer decides is normally subordinate and incidental to that of the principal building; or

(b) the use of which the designated officer decides is normally subordinate and incidental to that of the principal use of the site on which it is located.

Accessory use means a use of a building or site which the designated officer decides is normally subordinate and incidental to the principal use of the building or site.

Act means the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26, as amended.

Airport site means the lands licensed as an airport by Transport Canada.

Amenity area means an area or areas within the boundaries of a project intended for recreational purposes. These may include landscaped areas, patios, balconies, swimming pools and similar uses.

Animal care service, large means development used for the care, treatment, boarding, breeding or training of animals and livestock within or outside buildings and includes the supplementary sale of associated products. This use includes veterinary offices or hospitals, animal shelters, boarding and breeding kennels, facilities for impounding and quarantining animals and related research facilities.

Animal care service, small means development for the on-site treatment or grooming of small animals such as household pets, where on-site accommodation is not normally provided and where all care and confinement facilities are enclosed within a building. This use includes off-site treatment of animals or livestock of any size and the supplementary sale of associated products. Examples include pet grooming salons, pet clinics and veterinary offices.

Approved use means a use of land and/or building for which a development permit has been issued by the designated officer or the Municipal Planning Commission.

Apron means a flat-surfaced area that surrounds and lies adjacent to a mobile home pad.

Area redevelopment plan means a statutory plan in accordance with the Act and the municipal development plan for the purpose of all or any of the following:

(a) preserving or improving land and buildings in the area;

(b) rehabilitating buildings in the area;
(c) removing buildings from the area;
(d) constructing or replacing buildings in the area;
(e) establishing, improving or relocating public roadways, public utilities or other services in the area;
(f) any other development in the area.

Area structure plan means a statutory plan in accordance with the Act and the municipal development plan for the purpose of providing a framework for subsequent subdivision and development of an area of land in the municipality.

As required by the Municipal Planning Commission means that a standard or requirement of the land use bylaw may be varied but not completely waived.

Auction mart means a use of land or buildings for the auctioning and related temporary storage of household effects, goods and equipment, except livestock.

Auto body and paint shop means a premise where the bodies, but not other parts of motor vehicles, are repaired, and where motor vehicle bodies and other metal machines, components or articles may be painted.

Auto sales and service means an enclosed building within which motor vehicles and parts are displayed for sale, and may include a new or used automobile sales lot, and may also include auto repairs, except for body work and painting.

Basement means any storey of a building of which the ceiling level is less than 6 feet (1.8 m) above the average finished surface level of the surrounding ground.

Bed and breakfast means a home occupation which provides short-term accommodation, generally not exceeding one week, to the travelling public, tourists or members of the general public.

Berm means a dyke-like form used to separate incompatible areas or functions, or constructed to protect the site or district from vehicular road or other noise.

Boarding house means a building (other than a hotel or motel) containing not more than 15 sleeping rooms where meals or lodging for five or more persons are provided for compensation pursuant to previous arrangements or agreements.

Buffer means a row of trees, hedges, shrubs or berm planted or constructed to provide visual screening and separation between uses, buildings, sites or districts.

Buildable area means that portion of a lot or parcel which remains after all setbacks, minimum yard dimensions and separation distances have been deducted.

Building has the same meaning as it has in the Act.

Building height means the vertical distance between grade and the highest point of a building excluding an elevator housing, a roof stairway entrance, a ventilating fan, a skylight, a steeple, a chimney, a smoke stack, a fire wall or a parapet wall and a flagpole or similar device not structurally essential to the building.

Building inspector means the person or persons appointed by the municipality to be the chief building inspector in and for The Municipal District of Willow Creek No. 26.

Campground means an area upon which two or more campsites are located or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

Carport means a partially-enclosed structure intended for the shelter of one or more motor vehicles.

Cemetery means a site established for the authorized and concentrated interment of human bodies or remains.

Code of Practice means a document produced by Alberta Agriculture, Food and Rural Development which establishes criteria for the siting, operation and disposal of manures for intensive livestock operations.

Commercial means the use of land and/or buildings for the purpose of public sale, display and storage of goods and/or services on the premises. Any on-premises manufacturing, processing or refining of materials shall be incidental to the sales operation.

Commercial logging means the removal of existing timber stands within the municipality whereby the logs are removed from the site to be processed at a different location into dimensional lumber or other wood by-products.

Commercial/private campground means:

(a) a use of land or buildings for financial gain where the public is admitted only on payment of a fee, or where admission may include members of a club, organization or association; and

(b) a use of land or buildings intended for seasonal occupancy by holiday or tent trailers, recreation vehicles, tents and similar equipment. This use may include supplementary bathroom and recreational facilities, eating shelters, convenience retail, laundry facilities and dwelling accommodation for the owner/operator as part of the use, or as accessory uses.

Commercial/private recreation means the recreational use of land or a building for financial gain where the public is admitted only on the payment of a fee or where admission is limited to members of a club, organization or association. Examples include go-cart tracks, riding stables or academies, golf driving ranges and such other facilities as the Municipal Planning Commission considers similar in character and nature to any one or all of these uses. Commercial/private recreation uses may include dining or eating facilities, retail commercial uses and dwelling or sleeping units, provided that such facilities are accessory uses and clearly incidental to the principal recreational use of land and buildings.

Common wall means a vertical separation completely dividing a portion of a building from the remainder of the building and creating in effect a building which, from its roof to its lowest level, is separate and complete unto itself for its intended purpose, such wall being owned by one party but jointly used by two parties, one or both of whom is entitled to such use by prior arrangement.

Comprehensive development plan means a detailed site layout plan for a single lot or two or more adjacent lots which:

(a) shows the location of any existing or proposed buildings; and

(b) describes the potential effect and/or relationship of the proposed development on the surrounding area and the municipality as a whole; and

(c) provides for access roads, water, sewer, power and other services to the satisfaction of the Municipal Planning Commission.

Condominium means a building or structure where there exists a type of ownership of individual units, generally in a multi-unit development or project where the owner possesses an interest as a tenant in common with other owners.

Country residence means a use of land, the primary purpose of which is for a dwelling or the establishment of a dwelling in a rural area, whether the dwelling is occupied seasonally, for vacation purposes or otherwise, or permanently.

Cut-off parcel means a piece of land that is separated from the major area of the quarter section by:

(a) a permanent irrigation canal,

(b) a water course,

(c) a railway,

(d) a graded public roadway or highway,

(e) an embankment,

such that it is impractical, in the opinion of the Municipal Planning Commission, to farm or graze the piece of land either independently or with adjacent lands, including those under different ownership.

Council means the council of The Municipal District of Willow Creek No. 26 in the Province of Alberta.

Critical wildlife zone means an area which is critical to a significant number of individuals of a species during at least part of the year. This can include, for example, wintering areas for ungulates, nesting or staging areas for waterfowl, colony sites for colonial nesters, and over-wintering areas for upland birds.

Designated officer means a person authorized by council to act as a development authority pursuant to section 624(2) of the Municipal Government Act and in accordance with the municipality's development authority bylaw.

Developed residence means a dwelling that:

(a) in the opinion of the Municipal Planning Commission is permanent and habitable, based on comments from the appropriate regional health authority;
(b) has developed legal access;
(c) has electrical and gas utilities available to the site;
(d) has a supply of potable water and a functional sewage disposal system;
(e) is situated on a permanent foundation.

Development has the same meaning as it has in the Act.

Development agreement means a contractual agreement completed between the municipality and an applicant for a development permit which specifies the public roadways, utilities and other services to be provided by the permit holder as a condition of development approval provided the agreement is in accordance with sections 648, 650, 654 and 655 of the Act, as amended.

Development Authority means the Municipal Planning Commission, except in such instances whereby the designated officer may be the Development Authority, in accordance with this bylaw.

Development permit means a document issued pursuant to this bylaw authorizing a development.

Discretionary use means the one or more uses of land or buildings that are described in the land use bylaw as discretionary uses.

District means a district established in the land use bylaw.

Double-wide mobile home means a "Mobile home" (as defined) that is permanently fixed to two chassis, or is permanently fixed to one chassis and has a section which can be expanded or telescoped from the mobile home for additional floor area. Double-wide mobile homes are typically not less than 20 feet (6.1 m) in width.

Duplex means a building containing two separate dwelling units connected by a common floor or ceiling.

Dwelling unit means two or more self-contained rooms provided with sleeping, cooking, dining and sanitary facilities intended to be used permanently or semi-permanently as a residence for one or more individuals as a single housekeeping unit.

Easement means a right held by one party in land owned by another, typically for access or to accommodate a public utility.

Eaveline means the line formed by the intersection of the wall and roof of a building.

Environmental reserve means any parcel of land specified as environmental reserve by a Subdivision Authority pursuant to section 664 of the Act, as amended.

Environmentally Significant Areas means the areas identified in *The Municipal District of Willow Creek No. 26 Environmentally Significant Areas* report.

Extensive agriculture means the production of crops or livestock or both by the expansive cultivation or open grazing of one or more parcel(s) containing 160 acres (64.8 ha) more or less.

Existing lot means a lot that existed at the time this bylaw was adopted.

Existing parcel means a lot or parcel as defined in the Act and for which a certificate of title has been issued.

Family means one or more persons occupying a dwelling unit as a single housekeeping unit.

Farmstead means a part of a parcel:

(a) upon which a dwelling that was or is presently being utilized as a farm home is located;

(b) that is developed with dwellings, buildings, structures, shelter belts, dugouts, storage areas for farm equipment, produce and fertilizer and so on; or

(c) is otherwise defined by topography, vegetation, physical characteristics and other constraints.

Farm/industrial machinery sales, rental and service means the use of land or buildings for the sale, service and/or rental of agricultural implements, vehicles over 13,000 lbs. (5,900 kg) tare weight and heavy machinery used in the operation, construction or maintenance of buildings, roadways, pipelines, oil fields, mining or forestry operations, and in freight hauling operations. Cleaning, repairing and sale of parts and accessories may be allowed as part of the principal use or as accessory uses.

Farm supplies and service means the use of land or buildings for the sale, storage and distribution of grain (including grain elevators), livestock feed, fertilizer and chemicals used in agriculture.

Fence means a roofless structure, wall or hedge used as an enclosure or screening on any part of a lot.

Floor area means the sum of the gross horizontal area of the several floors and passageways of a building, but not including cellars, attached garages, and open porches. All dimensions shall be outside dimensions.

Foundation means the supporting base structure of a building.

Fourplex dwelling means a form of cluster housing containing four dwelling units, where:

(a) each unit has two contiguous or abutting walls which provide fire separation from the adjacent dwelling units;

(b) two of the dwelling units ordinarily face the front yard, and two dwelling units ordinarily face the rear yard; and

(c) each unit is provided with its own separate primary access to the outdoors.

Frontage means the lineal distance measured along the front legal lot line.

Garage (residential) means an accessory building designed and used for storage of motor vehicles.

Garden suite means a small, portable, self-contained, manufactured housing unit moved into a residential area sited in conjunction with a single family dwelling located on the same lot and used to temporarily accommodate one or more elderly individuals usually related to the host family.

Garden centre means the use of land or buildings for the sale, display, growing and storage of garden, household, and ornamental plants and trees provided that the retail sale and display of plants and trees remains the principal use. This use includes the supplementary retail sale of fertilizers, garden chemicals and implements as well as associated products.

Grade means the average elevation of the finished ground or street surface.

Grain elevator means a building normally located adjacent to a railway constructed for the purpose of storing harvested cereal crops until such time that the product can be transported to market.

Grandfathered development means a use of land or buildings that has been in existence and/or operational prior to adoption of the present land use bylaw that is lawfully allowed to exist in its present state even though it may not comply with the uses or standards allowed within the present land use bylaw.

Group camp means a number of individuals taking part in the same educational or extracurricular activities.

Group home means development using a dwelling unit for a provincially-approved residential social care facility providing rehabilitative and supportive care for four or more persons. A group home may incorporate accommodation for resident staff as an accessory use.

Grouped country residential development means two or more contiguous country residential lots.

Grouped country residential resort use means two or more contiguous country residential lots developed in conjunction with an approved recreation use.

Highway means:

(a) a highway or proposed highway that is designated as a primary highway; or

(b) a road, street or highway designated as a secondary road and numbered between 500 and 999.

Highway commercial means a use which provides goods and/or services required by the motoring public such as, but not necessarily limited to, service stations, cafes, restaurants, motor hotels, public roadside rest stops and campgrounds, recreation vehicle sani-dumps and private commercial recreation development.

Home occupation means the ancillary use of a dwelling unit (and/or its accessory buildings or lands) by any trade, profession, or craft for gainful employment involving the manufacture, processing, provision or sale of goods and/or services such that the use, location, and operation is not readily apparent under normal scrutiny from the nearby lands or public roadways with the exception of signage associated with a major home occupation. Home occupations shall include, but not be limited to the following: basketry, weaving, small engine repair, manufacturing and/or sale of small crafts, goods and wares, sale of baked goods, ornaments, lawn decorations, garden produce sales on site and uses similar in nature. Home occupations do not include the following activities: bed and breakfast accommodation, guest ranches, welding and fabricating, food processing, food service/catering, kennels, veterinary clinics, taxidermy and a transportation business consisting of more than two transport vehicles. The municipal council may by resolution identify certain activities to be, or not to be, home occupations from time to time.

Home occupation - minor means a home occupation such that the use does not result in any of the following:

(a) any structural changes to existing buildings or construction of any additional buildings,

(b) generation of pedestrian or vehicular traffic,

(c) any increase or change to any existing storage facilities,

(d) any outside storage of materials, commodities or finished products on site,

(e) any signage associated with the home occupation.

Examples may include, but are not limited to: basketry, weaving, arts and crafts; sewing; sale of baked goods or ornaments; computer sales, repairs and programming; in-home business office; secretarial services; consulting services; tutorial services; contractors; small animal grooming; clothing and interior/exterior design.

Home occupation - major means a home occupation which is not defined as a minor home occupation and which is consistent with conditions outlined in Schedule 11 of the land use bylaw. Examples may include, but are not limited to: vehicle sales and repair, small engine repair, sale of lawn decorations and garden produce sales on site.

Horticulture means the concentrated utilization of land or buildings for the raising of crops, plants or vegetables.

Improvement means any installation or physical change made to a property with a view to increasing its value, utility or beauty.

Intensive grazing is a pasture management program which utilizes pasture or rangeland that has been cross-fenced into small areas for the purpose of grazing livestock on each area for a short time on a rotational basis, at a density that does not exceed 2 animal units per acre if considering the total area of the pasture or rangeland.

Intensive horticultural operation or facility means a use of land or buildings for the high yield production and/or sale of specialty crops. This use includes: greenhouses; nurseries; hydroponic or market gardens; tree, mushroom and sod farms; and such other uses that the Municipal Planning Commission considers similar in nature and character to any one or all of these uses.

Intensive livestock operation means any land enclosed by buildings, shelters, fences, corrals or other structures which, in the opinion of the Municipal Planning Commission, or in accordance with Schedule 12 of the land use bylaw, is capable of confining, rearing, feeding, dairying or

auctioning livestock, and excepting only wintering of a basic breeding herd of livestock and intensive grazing programs, unless so provided for in a land use bylaw or a statutory plan.

Kennel means an establishment in which three or more dogs, more than one year old, are housed, groomed, bred, boarded or sold.

Lane means a public thoroughfare not exceeding 33 feet (10 m) in width.

Light industrial/manufacturing means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution uses which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.

Loading space means a portion of a lot or parcel that is designated or used by a vehicle while loading or unloading goods or materials to a building or use on that parcel or lot.

Lot has the same meaning as it has in the Act.

Manufactured home means a newly-constructed, factory-built dwelling which may be transported to a new location and placed on a permanent foundation or constructed in prefabricated units at a factory or place other than that of its final assembly.

Marina means a series of connected docks located primarily in a sheltered area which provides secure moorings, protection and service for boats and other watercraft.

May means that a discretionary action is permitted.

Minimum building setback means the shortest distance between the wall of a building and a designated lot line.

Minimum Distance Separation (MDS) means the minimum distance calculated for separation between an intensive livestock operation and another use based on criteria established in the Code of Practice, intent on minimizing land use conflicts.

Mobile home means any dwelling used or constructed in such a manner that enables it to be conveyed upon public streets or highways notwithstanding that its running gear may be removed or that it be placed on a temporary or permanent foundation.

Mobile home park means a lot occupied by or intended for two or more single-wide and/or double-wide mobile homes, where each mobile home site is not subdivided into a separately titled lot.

Mobile home sales and service means development for the sale, rental or storage of new and used mobile homes, and includes supplementary maintenance services and the sale of parts and accessories.

Mobile home subdivision means lands divided into lots intended to be occupied by their owners for private residential purposes, and on which are erected permanent foundations for mobile or modular homes.

Modular construction means the construction of a building in prefabricated units at a factory or place other than that of its final assembly which:

(a) are assembled at the location where the building is to be permanently used,

(b) are transported from one point to another by being carried on a motor vehicle,

(c) are not constructed on a frame capable of being equipped with wheels and thus towed from one point to another, and

(d) are equipped at the factory with interior electrical and plumbing utilities and interior walls (if these elements are required in the modular building).

Motel means development primarily providing temporary sleeping accommodation in rooms or suites, where each room or suite may contain kitchen facilities. Each room or suite in a motel usually has its own private exterior access and is typically provided with an adjoining or conveniently-located parking stall. A motel may include eating and drinking facilities, entertainment, convention, sports, recreation, personal service and retail facilities as accessory uses.

Moved-in building means a conventional, preconstructed, previously-occupied building which is physically removed from one site, transported and re-established on another site and does not include mobile homes.

Multi-family dwelling means a building (other than a rowhouse dwelling) containing three or more separate dwelling units.

Municipal development plan means a statutory plan, formerly known as a general municipal plan, adopted by bylaw in accordance with section 632 of the Act.

Municipal Government Act means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and subsequent amendments.

Municipal Planning Commission (MPC) means a committee appointed by council to act as a development authority pursuant to section 624(2) of the Municipal Government Act and in accordance with the municipality's development authority bylaw.

Municipal reserve means the land specified to be municipal reserve by a Subdivision Authority pursuant to section 666 of the Act.

Municipality means the geographic area of The Municipal District of Willow Creek No. 26 in the Province of Alberta.

Municipal/school reserve means the land specified to be municipal and school reserve by a Subdivision Authority pursuant to section 666 of the Act.

Natural resource extractive uses means those uses of land or buildings which are governed by the location of a natural resource and which involve the extraction or on-site processing and/or storage of a natural resource, except those industries which are noxious or hazardous industries. Natural resource extractive uses include the following:

(a) cement and concrete batching plants;

(b) sand and gravel operations;

(c) logging and forestry operations, including sawmills; and

(d) such other uses as established by council or the Municipal Planning Commission to be similar to any one or all of the above uses.

Non-conforming building, in accordance with the Act, means a building:

(a) that is lawfully constructed or lawfully under construction at the date a land use bylaw or any amendment thereof affecting the building or land on which the building is situated becomes effective; and

(b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or when constructed will not, comply with the land use bylaw.

Non-conforming use, in accordance with the Act, means a lawful specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction, at the date a land use bylaw or any amendment thereof affecting the land or building becomes effective; and

(b) that on the date the land use bylaw or any amendment thereof becomes effective does not, or in the case of a building under construction will not, comply with the land use bylaw.

Noxious industry means an industry which is hazardous, noxious, unsightly or offensive and cannot, therefore, be compatibly located in an urban environment. Examples include, but are not necessarily limited to: anhydrous ammonia storage, abattoirs, oil and gas plants, seed cleaning plants, alfalfa depots, livestock sales yards, asphalt plants, alfalfa dehydrating plants, sanitary landfill sites, sewage treatment plants or lagoons, veterinary clinics, auto wreckers or other such uses determined by the Municipal Planning Commission to be similar in nature.

Nuisance means any use, prevailing condition or activity which has a detrimental effect on living or working conditions.

Orientation means the arranging or facing of a building or other structure with respect to the points of the compass.

Outside storage means the open storage of goods, merchandise or equipment outside a building.

Owner means the person or persons shown as the owner(s) of land on the assessment roll of a municipality.

Parcel, in accordance with the Act, means the aggregate of the one or more areas of land described in a certificate of title by reference to a plan filed or registered in a land titles office.

Parking space means a lot or parcel or portion thereof, excluding a public roadway, which is used or intended to be used as a parking area for motor vehicles.

Permanent foundation means a foundation installed to provide structural support for a building or structure, for a period of at least 20 years including: concrete slab on grade, concrete strip footings, wood or concrete full basement and pile or pier footings.

Permanent habitable dwelling means a non-temporary building or part of a building, continuing or enduring in the same state and place, intended to be used as a place of residence for humans, the condition of which allows for the inhabitants to live in reasonable comfort free of serious defects to health and safety and containing reasonable cooking, eating, living, sleeping and sanitary facilities.

Permitted use means:

(a) the one or more uses of land or buildings that are stated in the land use bylaw as permitted uses; and

(b) uses which, in accordance with and subject to the Act, shall be issued a development permit with or without conditions (unless the use is exempted from requiring a development permit) if the proposed development conforms with the land use bylaw.

Planning advisor means the person or organization retained by The Municipal District of Willow Creek No. 26 to provide planning-related advice or services.

Primary farm residence means the principal dwelling unit located on a farmstead as defined.

Principal building means a building which:

(a) is the main building on a lot; or

(b) by reason of its use, is the primary purpose for which the lot is used.

Principal use means the main purpose for which a lot, parcel, or building is used or intended to be used.

Prohibited use means one or more uses of land or buildings that are described in a land use district as prohibited uses.

Provincial Land Use Policies means policies established by order of the Lieutenant Governor in Council pursuant to section 622 of the Act.

Public and private institutional use means a use of land or buildings for an organization or society for public or social purposes and includes the following:

(a) a school or educational facility whether public or private;

(b) churches or places of worship;

(c) medical facilities which provide both in-patient and out-patient services, including hospitals, nursing homes and sanatoriums;

(d) government and municipal offices, libraries and similar developments;

(e) protective services, including fire halls, police stations and ambulance services;

(f) cemeteries; and

(g) such other uses as the Municipal Planning Commission considers similar in nature and character to any one of these.

Public and private recreation use means a public or private park, playground, recreation area, including but not limited to hiking, biking, snow sledding, skiing, all-terrain vehicle (ATV) and/or walking trail, indoor or outdoor rink, gymnasium, sports field, campground, historic or archaeological site or any similar facility or use of land or buildings provided that the park, playground, recreation area or similar facility is owned and/or administered by any level of government, a private organization, association or society.

Public open space means land which is not in private ownership and is open to use by the public.

Public roadway means, in a municipality, the right-of-way of all or any of the following:

(a) a local road,
(b) a service road,
(c) a street,
(d) an avenue, or
(e) a lane.

Public or private utility means one or more of the following:

(a) telecommunications systems;
(b) waterworks systems;
(c) sewage systems;
(d) heating systems;
(e) systems for the distribution of gas, whether natural or artificial;
(f) systems for the distribution of artificial light or electric power;
(g) water management projects.

Quarter section means a titled area of approximately 160 acres (64.8 ha).

Registered owner means:

(a) in the case of land owned by the Crown in right of Alberta or the Crown in right of Canada, the Minister of the Crown having the administration of the land; or
(b) in the case of any other land:
    (i) the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in 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.

Regionally significant areas means a public park, designated historic or archaeological site, environmentally sensitive area, forest reserve, or any similar facility owned and/or administered by any level of government.

Reserve land means environmental reserve, municipal reserve or school reserve or municipal and school reserve.

Residential streets means streets whose primary function is to allow access to residential lots. A collector street may be classified as a residential street, providing the volume of traffic is not detrimental to living conditions.

Resource development activity means the removal of natural resources including oil, gas, minerals or timber on a commercial basis.

Resource processing activity means the extraction, refining or other processing of natural resources including oil, gas, minerals or timber on a commercial basis.

Restaurant means development where food and beverages are prepared and served and includes supplementary alcoholic beverage service and supplementary on- or off-premises catering services. This term includes restaurants, cafes, lunch and tea rooms, ice cream parlours, banquet facilities, take-out restaurants and such other uses as the Municipal Planning Commission considers similar in character and nature to any one of these uses.

Retail store means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such a store.

Rowhouse dwelling or townhouse means a residential building containing three or more dwelling units, where each dwelling unit is joined in whole or in part at the side only and where no dwelling unit is located in whole or in part above another dwelling unit. Each dwelling unit in a rowhouse is separated from the abutting dwelling unit by a wall, generally extending from the foundation to the roof, and each dwelling unit is provided with its own direct access from grade.

Rural industry means an agriculturally-related industry which supports agriculture directly in rural areas and non-labour intensive industries which require relatively large areas of land, but require minimal on-site improvements, services and public amenities. Examples include, but are not necessarily limited to: apiaries, grain elevators, storage warehouses, water treatment plants and reservoirs, gravel/sand pits or stone quarries and other uses determined by the Municipal Planning Commission to be similar in nature.

Salvage or waste disposal facility means development for purchasing, receiving or transporting of spent materials or substances which may generate a detrimental impact or nuisance beyond the boundaries of the lot or parcel on which it is situated. This term includes uses such as autowreckers, salvage and scrap yards, garbage container services, effluence tanker services and such other uses as the Municipal Planning Commission considers similar in character and nature to any one or all of these uses.

Screening means a fence, wall, berm or hedge used to visually separate areas or functions which detract from the urban street or neighbouring land uses.

Secondary and/or subsequent residence(s) means a developed residence or residences in addition to the primary residence on the same parcel.

Semi-detached dwelling means a residential building containing only two dwelling units located side by side with separate access to each dwelling unit. Each dwelling unit in a semi-detached dwelling is joined to the other unit by at least one common wall which extends from the foundation to at least the top of the first storey of both dwelling units.

Senior citizen housing means development, including lodges, which is used as a residence for elderly individuals not requiring constant or intensive medical care.

Service station means premises or the portion thereof used or intended to be used for the servicing and minor repairing of motor vehicles and for the sale of gasoline, lubricating oils and minor accessories for motor vehicles.

Setback means the distance required between a building, development or use from a property line facing a street or other property line.

Shall means that the action is mandatory.

Should means that the action is recommended.

Sign means any structure, object or mechanism erected or placed at a specific location and intended to be seen and is used to convey a message for identification, commercial, directional, informational and/or advertising purposes.

Similar use means a use which is not specifically considered in a land use district but, in the opinion of the Municipal Planning Commission, is similar in character and purpose to another use that is permitted or discretionary in the land use district in which such use is proposed, the Municipal Planning Commission may:

(a) rule that the proposed use is either a permitted or discretionary use in the land use district in which it is proposed; and

(b) direct that a development permit be issued in accordance with the land use bylaw.

Single family dwelling means a freestanding residential dwelling, other than a mobile home, not forming part of and not physically attached to any other dwelling or structure.

Single-wide mobile home means a mobile home which is:

(a) typically not greater than 16 feet (4.9 m) in width; and

(b) permanently fixed to a single chassis; and

(c) not intended to be expanded, telescoped or twinned for additional floorspace.

Double-wide mobile home is a separate use.

Site means that part of a parcel or a group of parcels on which a development exists or for which an application for a development permit is being made.

Statutory plan means a municipal development plan, area structure plan or area redevelopment plan adopted under the Municipal Government Act.

Stop order means an order issued by the Development Authority pursuant to section 645 of the Act.

Subdivision means the division of a parcel by an instrument, and "subdivide" has a corresponding meaning.

Subdivision and Development Appeal Board means the tribunal established, by bylaw, to act as the municipal appeal body for subdivision and development.

Subdivision and Development Regulation means regulations established by order of the Lieutenant Governor in Council pursuant to section 694 of the Act.

Subdivision approval means the approval of a subdivision by the Subdivision Authority.

Subdivision Authority means the person or body empowered to approve a subdivision.

Urban municipality means the area of a town or village.

Unsubdivided quarter section means a titled area of 160 acres (64.8 ha) more or less, but excluding road widenings, previous subdivision for school sites and other public uses.

Utilities means any one or more of the following:

(a) systems for the distribution of gas, whether artificial or natural;
(b) facilities for the storage, transmission, treatment, distribution or supply of water or electricity;
(c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
(d) storm sewage drainage facilities;
(e) any other things prescribed by the Lieutenant Governor in Council by regulation;

but does not include those systems or facilities referred to in subclauses (a) to (d) that are exempted by the Lieutenant Governor in Council by regulation.

Waiver means the relaxation or variance of a development standard established in the land use bylaw. For the purpose of this bylaw, only the Municipal Planning Commission or, on appeal, the Subdivision and Development Appeal Board can waive provisions of the land use bylaw, except those which the development officer is authorized to grant under this bylaw.

Yard means the minimum required open space, on a site, that lies between the principal and accessory building or structure and the nearest lot line.

Yard, front means a yard extending across the full width of the site and measured, as to depth, at the least horizontal distance between the front street line and the nearest projection of the principal building.

Yard, rear means a yard which extends the full width of a site and measured, as to depth, at the least horizontal distance between the rear property line and the nearest projection of any building.

Yard, side means a yard extending from the front yard to the rear yard, and measured as to width at the last horizontal distance between the side property line or side street line and the nearest projection of any building as shown in Figure 1.

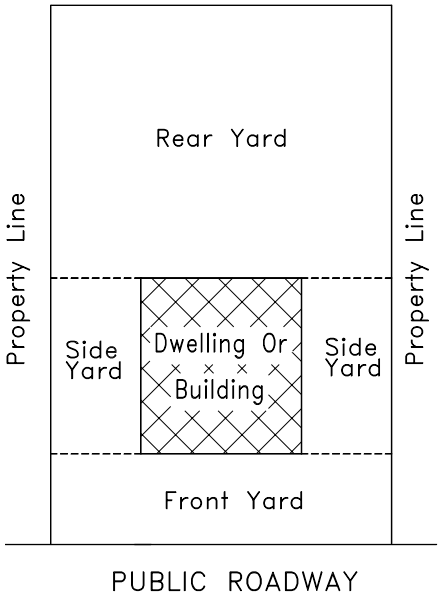


FIGURE 1

Appendix 2

LAND USE DISTRICTS

LAND USE DISTRICTS

For the purpose of regulating land uses within the area structure plan boundaries, the following are excerpts of the land use districts that have been adopted as part of the Municipal District of Willow Creek No. 26 Land Use Bylaw:

1. Grouped Country Residential
2. Reservoir Vicinity
3. Rural Recreational

GROUPED COUNTRY RESIDENTIAL – GCR

1. LAND USES

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

- not conflict with the agricultural, recreational or rural industrial uses on lands adjacent to or in close proximity to the proposal;
- not compromise the safe, efficient operation of the road network or urban expansion of neighbouring municipalities;
- comply with the pertinent development standards and requirements outlined in a detailed area structure plan for the area, this land use district and Schedules 4 through 13 of this bylaw.

(a) **Permitted Uses***

Accessory buildings and uses
Single family dwellings

(b) **Discretionary Uses**

Bed and breakfast establishments
Child care services
Home occupations
Mobile homes
Moved-in residential buildings
Public and institutional uses
Public park or recreation uses
Public utilities
Residential additions
Signs
Similar uses

(c) **Prohibited Uses**

Intensive livestock operations

2. PARCEL AND LOT SIZES

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

(a) existing parcels; or

(b) a minimum of 3 acres (1.2 ha) for unserviced lots;

(c) a minimum of 1 acre (0.4 ha) for serviced lots.

3. MINIMUM SETBACK REQUIREMENTS

Use	Front Yard		Side Yard		Rear Yard	
	ft.	m	ft.	m	ft.	m
All uses	50	15.2	25	7.6	50	15.2

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

4. SITE COVERAGE

Unless specified elsewhere in this bylaw, the maximum percentage of the site that may be covered shall be determined by the Municipal Planning Commission.

5. AREA STRUCTURE PLANS

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

(a) the implementation of urban expansion strategies of neighbouring municipalities;

(b) the safe and efficient use of nearby highways or secondary roads;

(c) possible future impact on resource developments;

(d) the effect on access to or development of existing or potential recreation amenities;

(e) the effect on surrounding agricultural operations;

(f) the effect on a critical wildlife zone or environmentally sensitive area;

(g) the visual environment of the surrounding landscape;

(h) the natural amenities provided by the land. These amenities may include, but are not limited to, varied topography, sloping land, a scenic view and tree cover;

(i) area prone to flooding or groundwater inundation. These areas shall not be considered for grouped country residential use;

(j) water supply and sewage disposal for the proposed development;

(k) areas of historical and archaeological interest; and

(l) such other matters considered necessary and appropriate by the Municipal Planning Commission.

6. STANDARDS OF DEVELOPMENT – See Schedule 5.

7. MOBILE HOME DEVELOPMENT STANDARDS – See Schedule 6.

8. LANDSCAPING AND SCREENING STANDARDS – See Schedule 7.

9. MOVED-IN BUILDINGS – See Schedule 8.

10. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Schedule 9.

11. SIGN REGULATIONS – See Schedule 10.

12. HOME OCCUPATIONS – See Schedule 11.

13. FEES – See Schedule 13.

RESERVOIR VICINITY – RV

1. LAND USES

The intent of this land use district is to regulate, prohibit and control land use in the vicinity of the Pine Coulee Reservoir:

(a) **Permitted Uses***

Accessory buildings and uses
Extensive agriculture
Primary farm residences
Residential additions
Secondary farm residences

(b) **Discretionary Uses**

Bed and Breakfast accommodation
Home occupations
Isolated single lot country residential
Mobile homes
Modular/manufactured homes
Public and institutional
Public and private utilities
Resource extraction and ancillary works
Rural industrial
Sand and gravel pits
Signs
Similar uses
Single lot commercial
Veterinary clinics

(c) **Prohibited Uses**

Grouped country residential
Grouped rural industrial
Intensive livestock operations
Manure spreading
Single undeveloped country residential parcels

2. PARCEL AND LOT SIZES

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

(a) **Extensive Agriculture**

(i) existing parcels; or

(ii) 160 acres (64.8 ha) or an unsubdivided quarter section.

(b) **Farmsteads**

(i) existing parcels; or

(ii) minimum 1 acre (0.4 ha); or

(iii) maximum of 5 acres (2.0 ha); or

(iv) maximum of 10 acres (4.0 ha) on cut-off parcels.

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

(c) **Single Lot Country Residential**

(i) existing parcels; or

(ii) minimum of 1 acre (0.4 ha);or

(iii) maximum of 5 acres (2.0 ha).

(d) **All Other Uses**

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

3. MINIMUM SETBACK REQUIREMENTS

3.1 All buildings, structures and development other than cultivation or grazing shall be setback from lot or parcel boundaries at least:

(a) 75 feet (22.9 m) from the right-of-way of any public roadway not designated as a primary highway or secondary road under the Public Highways Development Act;

(b) 125 feet (38.1 m) from the right-of-way of any road designated as a secondary road under the Public Highways Development Act; or

(c) any greater distance that may be required by the development officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication, or to reduce potential snow drifting.

3.2 The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use may be incompatible with the residential use.

3.3 All buildings, structures and development that is to be located in close proximity to the Pine Coulee Reservoir may have special requirements for setbacks as determined by the Municipal Planning Commission upon due consideration of any pertinent comments from Alberta Environmental Protection, if provided.

4. SITE COVERAGE

Unless specified elsewhere in this bylaw, the maximum percentage of the site that may be covered shall be as determined by the Municipal Planning Commission.

5. EXTENSIVE AGRICULTURE LAND USES

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

(a) a highway, public roadway, canal, irrigation ditch, easement or right-of-way; or

(b) any other area of land use for public use.

6. DEVELOPMENT IN GENERAL

All land use decisions regarding development shall be in conformity with the policies and processes outlined in the Pine Coulee Reservoir Area Structure Plan.

7. AREA STRUCTURE PLANS

If the Municipal Planning Commission considers that an area proposed for residential development could become a grouped residential development of 3 or more lots in the future, it may require the preparation of a detailed area structure plan.

8. STANDARDS OF DEVELOPMENT – See Schedule 5.

9. MOBILE HOME DEVELOPMENT STANDARDS – See Schedule 6.

10. LANDSCAPING AND SCREENING STANDARDS – See Schedule 7.

11. MOVED-IN BUILDINGS – See Schedule 8.

12. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Schedule 9.

13. SIGN REGULATIONS – See Schedule 10.

14. HOME OCCUPATIONS – See Schedule 11.

15. FEES – See Schedule 13.

RURAL RECREATIONAL – RR

1. LAND USES

The intent of this land use district is to provide for the subdivision and/or development of non-agricultural land uses within the vicinity of the Pine Coulee Reservoir.

(a) **Permitted Uses***

Accessory buildings
Fish ponds
Public day use areas
Public recreation
Residential additions
Single family dwellings

(b) **Discretionary Uses**

Boat launches
Club houses
Driving ranges
Golf courses
Guest ranches
Marinas
Private campgrounds
Public and institutional camps
Public and private utilities
Residential accommodation in conjunction with an approved recreational use
Riding stables
Rodeo grounds
Similar uses
Waterslides

(c) **Prohibited Uses**

Intensive livestock operations
Manure spreading

2. PARCEL AND LOT SIZES

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

3. MINIMUM SETBACK REQUIREMENTS

3.1 All buildings, structures and development other than cultivation or grazing shall be setback from lot or parcel boundaries at least:

(a) 75 feet (22.9 m) from the right-of-way of any public roadway not designated as a primary highway or secondary road under the Public Highways Development Act;

(b) 125 feet (38.1 m) from the right-of-way of any road designated as a secondary road under the Public Highways Development Act; or

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

(c) any greater distance that may be required by the development officer or the Municipal Planning Commission in order to facilitate future road widening, service road dedication, or to reduce potential snow drifting.

3.2 The Municipal Planning Commission may establish a minimum setback from any existing residence where a proposed discretionary use may be incompatible with the residential use.

3.3 All buildings, structures and development that is to be located in close proximity to the Pine Coulee Reservoir may have special requirements for setbacks as determined by the Municipal Planning Commission upon due consideration of any pertinent comments from Alberta Environmental Protection, if provided.

4. SITE COVERAGE

Unless specified elsewhere in this bylaw, the maximum percentage of the site that may be covered shall be as determined by the Municipal Planning Commission.

5. DEVELOPMENT IN GENERAL

All land use decisions regarding development shall be in conformity with the policies and processes outlined in the Pine Coulee Reservoir Area Structure Plan.

6. AREA STRUCTURE PLANS

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

7. STANDARDS OF DEVELOPMENT – See Schedule 5.

8. MOBILE HOME DEVELOPMENT STANDARDS – See Schedule 6.

9. LANDSCAPING AND SCREENING STANDARDS – See Schedule 7.

10. MOVED-IN BUILDINGS – See Schedule 8.

11. OFF-STREET PARKING AND LOADING AREA REQUIREMENTS – See Schedule 9.

12. SIGN REGULATIONS – See Schedule 10.

13. HOME OCCUPATIONS – See Schedule 11.

14. FEES – See Schedule 13.