

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

**PINE COULEE RESERVOIR
AREA STRUCTURE PLAN
BYLAW NO. 1258**

Prepared by the



OLDMAN RIVER INTERMUNICIPAL SERVICE AGENCY

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PINE COULEE RESERVOIR AREA STRUCTURE PLAN BYLAW NO. 1258

1. PREAMBLE

BEING a bylaw of the Municipal District of Willow Creek No. 26 in the Province of Alberta to adopt Bylaw No. 1258 being the Pine Coulee Reservoir Area Structure Plan Bylaw;

WHEREAS the municipal council wishes to address land use in immediate proximity of the recently constructed Pine Coulee Reservoir and associated infrastructure for off-stream storage in the Willow Creek Basin;

AND WHEREAS the purpose of an area structure plan is to provide a framework for the subsequent subdivision and development of lands within a defined area;

AND WHEREAS the council wishes to prohibit, regulate and control development of these said lands but also to promote this structure as a multi-purpose facility;

AND WHEREAS it is deemed expedient and appropriate for the municipal council to consider Bylaw No. 1258 and meet the conditional approval set out by the Natural Resources Conservation Board;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Chapter M-26.1, 1994, 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. Land illustrated on the map, in Schedule A shall form the boundaries of this bylaw.
2. This bylaw comes into effect upon third and final reading hereof.
3. All sections contained herein, including the Appendices, form part of this bylaw.

READ a **first** time this 23rd day of September, 1998.

Reeve - Earl Hemmaway

Municipal Administrator - Cindy Zabolotney

READ a **second** time this 25th day of November, 1998.

Reeve - Evan Berger

Municipal Administrator - Cindy Zabolotney

READ a **third** time and finally PASSED this 16th day of December, 1998.

Reeve - Evan Berger

Municipal Administrator - Cindy Zabolotney

2. INTRODUCTION

The concept of a water storage reservoir in the Willow Creek Basin has been contemplated for several decades. The construction of the Chain Lakes Reservoir in the upper reaches of Willow Creek commenced in 1964, was operational by 1966 and temporarily remedied water supply problems experienced during the 1950s and early 1960s. Since then, the populations of most surrounding urban communities has grown and the associated demand for domestic water supplies as well as agricultural demands for irrigation and cattle operations downstream. These factors, coupled with the prolonged drought conditions of the 1980s, the high losses of summer conveyance and the icing problems during winter operations have demonstrated that the Chain Lakes facility is too small on its own to remedy the growing water supply demands in the basin.

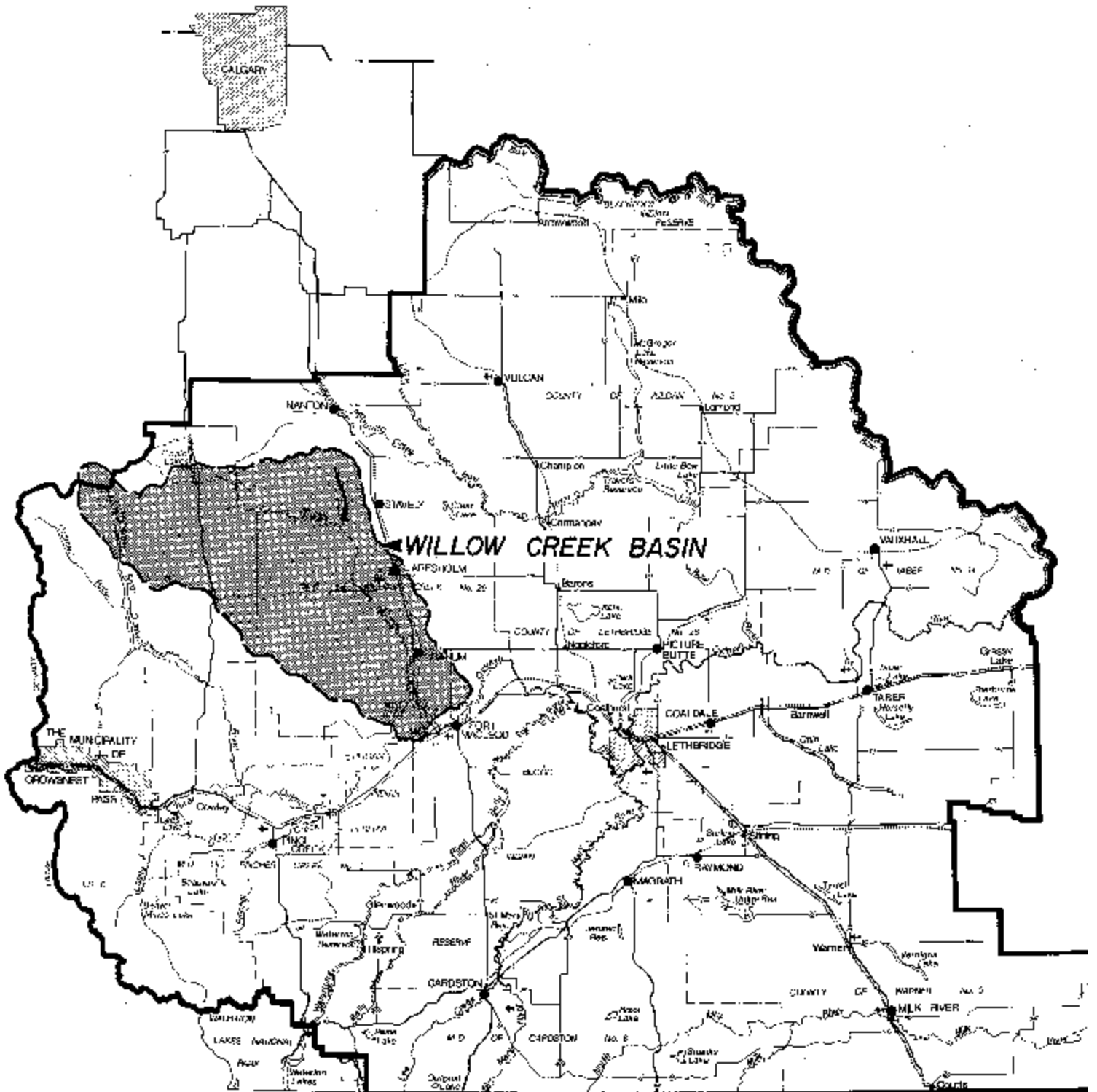
Water management problems in the Willow Creek Basin revolve both around the quantity and timing of supply. Annual water yields at the mouth of Willow Creek have varied from 13 percent to 210 percent of the mean (138,680 dam³ or 112,428 acre feet). Of particular concern are the substantial reductions in water yield that occur during the periodic droughts that affect the region.

The seasonal variability of water supplies within the Willow Creek Basin further complicates water management. More than 60 percent of the annual flow of Willow Creek occurs during the short spring runoff period so it does not coincide with the growing season. Seasonal variation has also disrupted municipal, domestic and livestock water supplies during the late summer and after winter freeze-up when Willow Creek can have extremely low flows.

Due to its small size and location in the headwaters, the Chain Lakes Reservoir cannot control enough runoff to significantly benefit downstream irrigators. This has limited its role to one of meeting downstream municipal and domestic water needs in the winter. The significant recreational demands upon the Chain Lakes Reservoir further limit options to provide more water for downstream uses.

Drought conditions in Southern Alberta, particularly those experienced in 1977 and 1984, led to preliminary investigations by Alberta Environment of the feasibility of an additional water storage facility within the Willow Creek Basin (see Map 1). The receipt of numerous applications in the early 1980s resulted in the Controller of Water Resources placing a moratorium on further irrigation expansion in January 1986. Six consequent years of forced irrigation shutdown due to prolonged drought occurred from 1984 to 1989. These recurring water supply shortages in the Willow Creek Basin led to the formation of several advocacy groups in the mid-1980s. These groups focused on long-term solutions to water supply problems within the basin. They also lobbied the provincial government to construct a water storage facility within the Willow Creek Basin to augment the Chain Lakes Reservoir.

M.D. OF WILLOW CREEK NO. 26
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 AREA STRUCTURE PLAN
 WILLOW CREEK BASIN



A preliminary report released by Alberta Environment in June 1984 identified 23 original sites. After further investigation, these were narrowed down to 13, then to six and finally to four potential sites. The cost breakdown and capacities of these four sites identified in 1985 is presented in Table 1.

Further studies, involving geotechnical design, hydrogeological assessment and a financial and economic analysis, were conducted and eventually disclosed in reports in 1984 and 1985. By November 1985, two sites were selected, one an on-stream storage facility and the other off-stream, both located near Willow Creek Provincial Park. Further studies into the feasibility of a storage reservoir resulted in a final disclosure which identified the off-stream option at Pine Coulee as being the preferred site of Alberta Environment and the recently established local advisory committee (see Map 1).

TABLE 1

Proposed Reservoir Site	Reservoir Capacity	Additional Potential Irrigation (acres)	Capital Cost (\$ 1985)
Site 1 (Claresholm)	32,400	18,700	24,000,000
Site 2 (Pine Coulee)	40,745	21,333	29,500,000
Site 3 (Lane Creek)	47,800	20,000	25,000,000
Site 4 (Junction)	60,000	25,000	45,000,000

On December 16, 1988, after a review of the Willow Creek Basin Storage Feasibility Study, the Alberta Minister of Environment announced the government's intention to proceed with construction of a multiple-use water storage facility at the Pine Coulee site. Implementation would be subject to an environmental impact assessment. Benefits of the project identified at the time would include:

- increased security of supply for existing municipal and domestic water users;
- provision of a secure water supply for livestock and irrigation water uses;
- potential expansion of irrigated agriculture in the Willow Creek Basin from 8,000 acres (3,237.6 ha) to 21,000 acres (8,498.7 ha);
- additional water-based recreational opportunities near existing facilities at Willow Creek Provincial Park;
- improved potential for meeting in-stream flow needs below the reservoir, from the perspective of both water quality and water quantity.

In 1991, the Natural Resources Conservation Board Act was proclaimed into law. The Act created a Board with a mandate

. . . to provide for an impartial process to review projects that will or may affect the natural resources of Alberta in order to determine whether, in the Board's opinion, the projects are in the public interest, having regard to the social and economic effects of the projects and the effect of the projects on the environment.

The Act further defines which types of projects are subject to review by the Natural Resources Conservation Board (NRCB). As a result of the magnitude of the proposed Pine Coulee Reservoir including the dam height being in excess of 50 feet (15.2 metres), the project is considered to be reviewable under the Act. Further to this, Transport Canada, responsible for the Navigable Waters Protection Act, requested a public panel review of the project as it was felt that the navigable waterway (Willow Creek) would be affected by this proposal.

In June 1994, the NRCB and the Federal Environmental Assessment Review Office entered into an agreement to conduct a joint panel review of the Pine Coulee Reservoir Water Management Project. Hearings commenced in Stavely in September 1994 and came to a conclusion after final arguments, on October 7, 1994. Based on the evidence presented at the hearings and pertinent information provided by applicant Alberta Public Works, Supply and Services, a decision report was issued in February, 1995. The application to construct an off-stream storage reservoir in the Willow Creek Basin at the Pine Coulee site was approved subject to 23 terms and conditions.

Condition No. 20 requires the operator (Alberta Public Works, Supply and Services)

. . . as part of its final planning and design phase, prepare an area structure plan for the lands in the immediate vicinity of the reservoir and request an amendment to the local land use bylaw from the M.D. of Willow Creek prior to commencement of operations.

Alberta Public Works, Supply and Services has entered into a contractual arrangement with the Oldman River Intermunicipal Service Agency to prepare an area structure plan for the reservoir. This document has been prepared for adoption by bylaw for the Municipal District of Willow Creek No. 26 which has land use jurisdiction where this project is proposed to be constructed and made operational.

3. PURPOSE

While the construction and subsequent operation of the reservoir is the responsibility of Alberta Public Works, Supply and Services and Alberta Environmental Protection respectively, the Municipal District of Willow Creek is charged with controlling and regulating land use as the subdivision and development authority for privately-owned lands is conveyed upon the municipality by the Municipal Government Act, Chapter M-26.1, 1994, as amended.

As these said lands are located in the Municipal District of Willow Creek, all subdivision and development on privately-owned lands is governed by the municipality's present land use bylaw and municipal development plan which deals with the issue of permits, development standards, long-range planning issues, policies and agricultural parcel sizes, etc. Presently, subdivision and development is mainly intended for agricultural purposes in the municipal district with non-agricultural uses being allowed on an isolated basis or directed towards the hamlets within the municipality. The emergence of a large water storage reservoir, such as the one proposed at the Pine Coulee site, tends to stimulate subdivision and development for non-agricultural uses. This new-found interest in non-agricultural land use often leads to land use conflicts occurring with the predominant and often well-established agricultural pursuits in a rural area.

As the reservoir was promoted as a multi-faceted facility, namely for irrigation usage, domestic water supply augmentation and recreation use, the challenge lies herein to balance these often incompatible land uses while maintaining the integrity of the reservoir.

The Municipal Government Act provides a land use tool for municipalities to govern land use for a specifically defined area. This tool is a statutory document known as an area structure plan. Section 663 of the Municipal Government Act states:

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.*

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A number of area structure plans have been prepared throughout the province for water management projects including:

- the Oldman River Reservoir in the M.D. of Pincher Creek No. 9,
- the McGregor, Travers and Little Bow Reservoirs in the County of Vulcan No. 2,
- the Dickson Reservoir in the County of Red Deer No. 23.

The Lieutenant Governor in Council approved Provincial Land Use Policies in November, 1996. The policies were intent on assisting municipalities to harmonize provincial and municipal policy initiatives at the local land use planning level. As municipal decisions and actions affecting land use and development can impact on the success of provincial objectives designed for the benefit of all Albertans, it is important that municipal and provincial planning efforts utilize consistent approaches. Every municipality in the province is expected to incorporate the Provincial Land Use Policies into its planning documents and planning practices. The Municipal Government Act requires that municipal statutory plans, including area structure plans, land use bylaws and planning decisions and actions be consistent with the provincial policies. The provincial direction given regarding reservoirs is provided in the goals and policies of section 6.3 "Water Resources" which states:

6.3 Water Resources

Goal

To contribute to the protection and sustainable utilization of Alberta's water resources, including lakes, rivers, and streams, their beds and shores, wetlands, groundwater, reservoirs, and canals.

Policies

- 1. Municipalities are encouraged to identify, in consultation with Alberta Environmental Protection significant water resources within their boundaries.*
- 2. Municipalities are encouraged to determine appropriate land use patterns in the vicinity of the resources identified in accordance with policy #1, having regard to impacts on an entire watershed as well as local impacts.*

3. *If subdivision and development is to be approved in the vicinity of the resources identified in accordance with policy #1, municipalities are encouraged to, within the scope of their jurisdiction, incorporate measures which minimize or mitigate any negative impacts on water quality, flow and supply deterioration, soil erosion, and ground water quality and availability. Municipalities are also encouraged to facilitate public access and enjoyment of these water features, and to protect sensitive fisheries habitat and other aquatic resources.*

This area structure plan will provide a framework for the subdivision and development of the land surrounding the reservoir. 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 government departments, the general public and any special interest groups who are concerned with the agricultural, natural or historic resources in the area in order to manage the lands surrounding the reservoir in the best possible way.

4. REGIONAL LOCATION

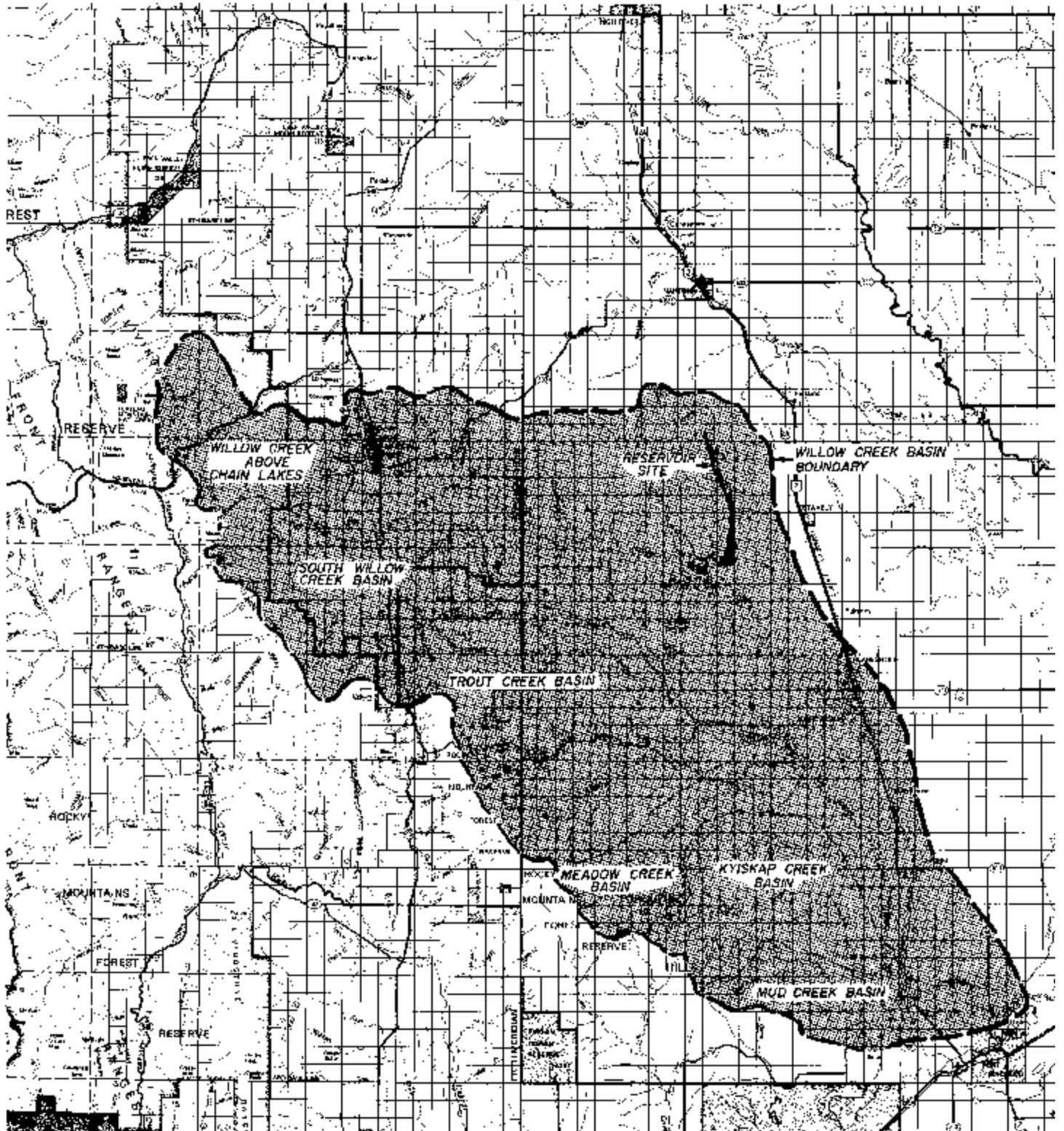
The Willow Creek Basin encompasses a total catchment area of 965 square miles (2500 km²) commencing its humble beginnings on the eastern slopes of the Livingstone Range, near Mount Surke (see Map 2). It flows in a south-easterly direction for a distance of approximately 15 miles (24.1 km) before draining into the man-made Chain Lakes Reservoir. From the reservoir it continues easterly, then swings into a southerly direction for a distance of 4 miles (6.4 km) where it is joined by South Willow Creek, a tributary which also originates in the Livingstone Range. From its confluence with South Willow Creek, the stream swings into an easterly direction for a distance of 15 miles (24.1 km). While flowing eastward, Willow Creek is joined by a number of smaller streams, which include Lane Creek, Oxley Creek and Pine Creek, draining a foothills area to the north. From this point, Willow Creek swings into a southerly course through the western plains for a distance of 30 miles (48.3 km) and receives waters from Trout Creek, Meadow Creek and Kyiskap Creek, all streams originating in the Porcupine Hills before emptying into the Oldman River 1 mile (1.6 km) east of Fort Macleod (see Map 2).

Mean annual precipitation ranges from a high in excess of 26 inches (660 mm) for the mountain region in the extreme north-western corner of the basin and rapidly decreases to less than 16 inches (406 mm) for the plains region in the eastern reaches of the basin. Conversely, mean annual gross evaporation ranges from a low of approximately 27 inches (686 mm) in the extreme north-western corner of the basin to a high of approximately 30 inches (762 mm) in the south-eastern corner.

The Willow Creek Basin is comprised of approximately 25% prairie land, 65% foothills and 10% steep mountain slopes. Elevations range from 3182 feet (970 metres) on the plains to 5085 feet (1550 metres) in the foothills to 7874 feet (2400 metres) in the Rocky Mountains.

Chain Lakes, completed in 1966, is the only water storage facility within the basin of any significance with a full supply level (FSL) storage of 12,960 acre feet (15,985 dam³). Water is released periodically to augment the flows in Willow Creek, especially during the summer months.

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PINE COULEE RESERVOIR
AREA STRUCTURE PLAN
WILLOW CREEK BASIN
REGIONAL LOCATION



5. LAND USE AND DEVELOPMENT POTENTIAL

The plan area consists of an approximate ½ to 1-mile area surrounding the reservoir and is shown on Map 3. The existing land use within the study area is predominantly agricultural with most of the land to the east of the reservoir being cropland and the land to the west as grazing land. Few, if any, intensive livestock operations, with the exception of the Parkland Hutterite Colony, exist in the plan area. Existing residences are located in conjunction with agricultural uses and there are few single-lot country residential subdivisions in the area. Land acquisition by Alberta Public Works, Supply and Services has resulted in numerous smaller titled areas being created by public works plans that, on their own, are marginal in terms of agricultural productivity. Willow Creek Provincial Park as well as several notable historical resources are located in the plan area.

As previously noted, the area surrounding the Pine Coulee site is primarily used for agricultural endeavours (i.e. cultivation or grazing). Non-agricultural uses, other than those located at Willow Creek Provincial Park are non-existent. With the subsequent construction of an off-stream storage reservoir comes the opportunity to tap the water-based recreation potential of the structure. Presently, with the relatively few significant water bodies in Southern Alberta, these activities are rather limited.

In committing funds toward the construction of the reservoir at Pine Coulee, the Minister of Environment in 1988 alluded to an expanded tree planting program, conducive to enhancing the recreation potential of the area. In addition to tree planting, improved sport fishing, additional water sport activity and development of day facilities were proposed for areas immediately surrounding the reservoir.

Land acquisitions by Alberta Public Works, Supply and Services have created areas surrounding and adjacent to the water storage facility which remain privately-owned as is the case along Lake McGregor in the County of Vulcan. Opportunity may exist with this situation for the establishment of several privately-owned recreational developments.

It should be noted, however, that given the geological formation of Pine Coulee and the annual draw down of waters to augment flows downstream in Willow Creek, coupled with several dry summer months, will create mud flats and substantial areas with marginal development potential.

Reservoir access agreements will be required from Alberta Environmental Protection to access the reservoir waters as the Crown will own and control land entirely surrounding the reservoir.

6. 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.

- 6.1** 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.



- 6.2 To satisfy the terms and conditions attached to the Joint Review Panel's approval of this water management project.
- 6.3 To ensure the water supply function of the reservoir is not compromised and the investment of the Province of Alberta for Albertans is protected.
- 6.4 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.
- 6.5 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.

7. OBJECTIVES

- 7.1 To ensure the main functions of this management project being the water supply for municipal, domestic and agricultural uses, flow augmentation of Willow Creek and the recreational opportunities are not compromised.
- 7.2 To minimize land use conflicts between agricultural and non-agricultural activities.
- 7.3 To establish subdivision and development-related criteria to guide and assist the municipality in rendering planning-related decisions within this area.
- 7.4 To ensure that all policies and subsequent decisions and actions are consistent with the Provincial Land Use Policies and other local planning bylaws.
- 7.5 To ensure that the appropriate government departments are notified and consulted prior to planning decisions or actions which may adversely affect adjacent Crown lands.
- 7.6 To protect current land uses and minimize land use conflicts with the prevailing agricultural patterns.
- 7.7 To encourage non-agricultural land uses to locate on lands suitable for the use proposed by the applicant.
- 7.8 To ensure the provision of a safe, effective and efficient road network within the reservoir vicinity.
- 7.9 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.
- 7.10 To protect any identified historical or archaeological resources within the plan area in accordance with section 6.4 of the Provincial Land Use Policies.

M.D. OF WILLOW CREEK NO. 21 PINE COULEE RESERVOIR AREA STRUCTURE PLAN AREA STRUCTURE PLAN - BOUNDARY

LEGEND

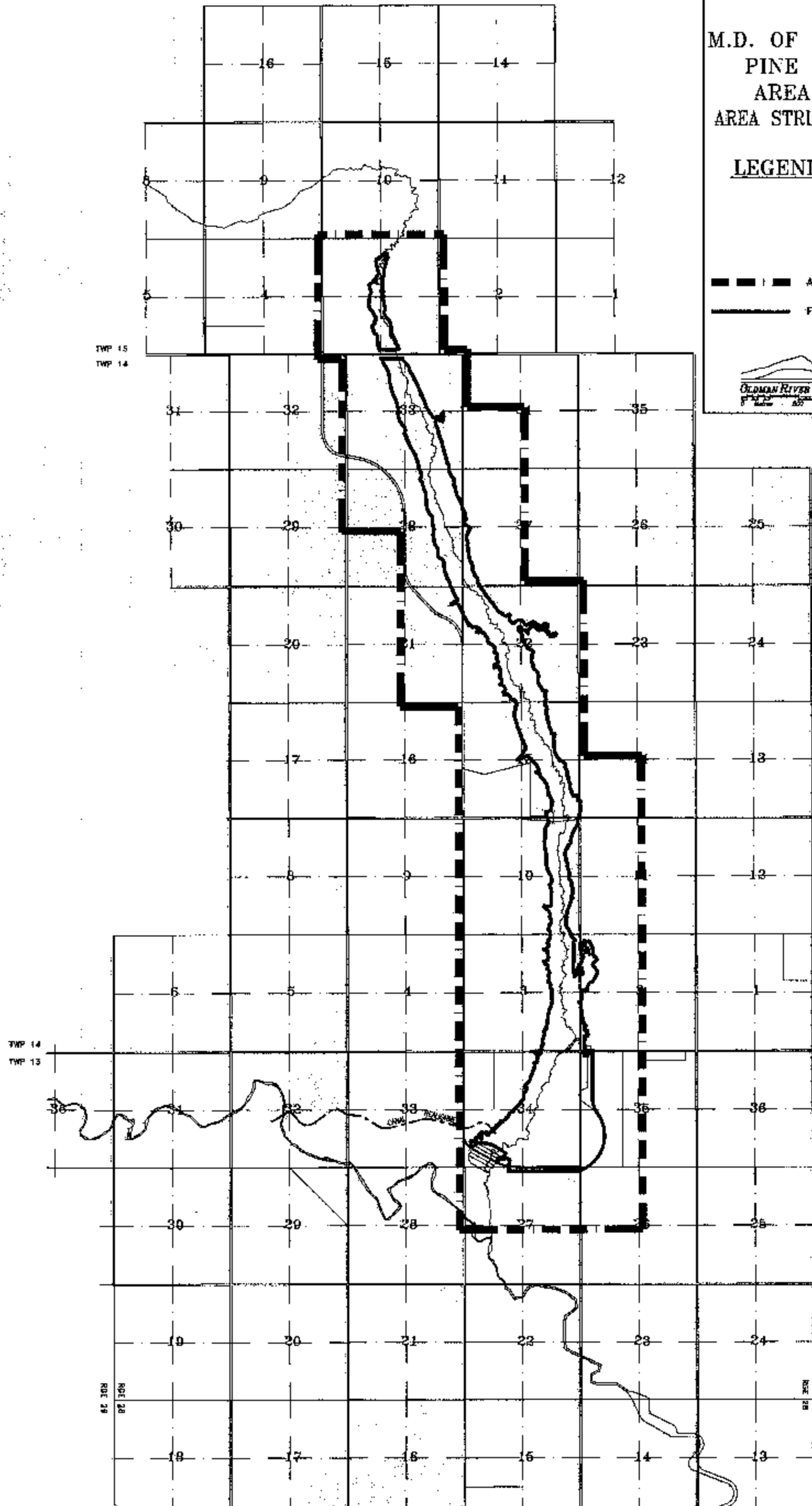
-  AREA STRUCTURE PLAN BOUNDARY
-  FULL SUPPLY LINE



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- 7.11 To have regard for any environmentally significant areas, critical wildlife zones and/or mitigation areas when considering subdivision and development proposals.
- 7.12 To ensure adequate and appropriate public access to the reservoir is provided.
- 7.13 To ensure that future subdivision and developments do not impair the establishment of a sustainable cool-water fishery in the reservoir or Willow Creek.

8. LAND USE POLICIES

8.1 GENERAL

Policies

- 8.1.1 Lands within the area structure plan boundaries shall be designated as “Reservoir Vicinity” under the municipal district’s land use bylaw.
- 8.1.2 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.
- 8.1.3 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).
- 8.1.4 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.
- 8.1.5 The subdivision and/or development of lands within the plan boundaries shall not significantly affect the reservoir infrastructure, any existing agricultural uses, nor any historical or archaeological resources in the immediate area.
- 8.1.6 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.
- 8.1.7 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.
- 8.1.8 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.

8.2 AGRICULTURAL LANDS

Policies

- 8.2.1** The “Reservoir Vicinity” land use district shall govern all land use for agricultural purposes within the area structure plan boundaries.
- 8.2.2** In order to protect municipal, domestic and agricultural water supply, overall water quality and existing development in the immediate vicinity, the spreading of animal manures and the establishment of new intensive livestock operations within the plan boundaries shall be prohibited.
- 8.2.3** 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.
- 8.2.4** 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.

8.3 COUNTRY RESIDENTIAL

Policies

- 8.3.1** The maximum parcel size for a developed single-lot country residential use created by subdivision shall be 5 acres (2.0 ha).
- 8.3.2** A subdivision which proposes to create a vacant or undeveloped parcel for country residential use shall be prohibited within the area structure plan boundaries.
- 8.3.3** 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.
- 8.3.4** The minimum parcel size for a grouped country residential subdivision shall be 3 acres (1.2 ha).
- 8.3.5** No subdivision or development for country residential use shall adversely affect the integrity of this water management project.
- 8.3.6** An applicant proposing a country residential subdivision or development which proposes access to the reservoir shall be required to obtain the necessary reservoir access agreements from Alberta Environmental Protection.
- 8.3.7** 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.
- 8.3.8** 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.

8.4 COMMERCIAL / PRIVATE RECREATION

Policies

- 8.4.1** 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.
- 8.4.2** No subdivision or development for a commercial or recreational use shall adversely affect the integrity of the reservoir.
- 8.4.3** An applicant proposing a commercial and/or private recreational use which proposes access or development to the reservoir shall be required to obtain the necessary reservoir access agreements from Alberta Environmental Protection.
- 8.4.4** 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.
- 8.4.5** 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.

8.5 RURAL INDUSTRIAL

Policies

- 8.5.1** Isolated rural industrial uses shall not be prohibited in the “Reservoir Vicinity” land use district.
- 8.5.2** Proposed grouped rural industrial subdivision or development shall be encouraged to locate in other areas of the municipal district or in nearby urban centres.

8.6 CROWN LANDS

Policies

- 8.6.1** 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.
- 8.6.2** To ensure proper notification of adjacent land owners, government departments are requested to obtain municipal approval for any development proposed on Crown lands.
- 8.6.3** Any development on Crown lands should be compatible with adjacent private lands to minimize land use conflicts.
- 8.6.4** 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.

9. TRANSPORTATION AND UTILITIES

As a main objective of this area structure plan, the provision of a safe and efficient road network around the reservoir is essential to provide access to existing and future development and to assure public and private access to designated areas of the reservoir. The road network consists of two types of roads: regional and local (see Map 3). Regional roads would include Secondary Highway 527 which is paved and designed for faster moving traffic. Local roads are gravelled municipal roads that provide farm and recreation access. The relocation of several existing municipal roads inundated by the reservoir will be necessary to complete the road network. The new roads will carry a variety of traffic from farm vehicles and machinery, cattle liners, recreational vehicles such as fifth wheels and even bicycles if proposed bike paths are to cross municipal roads; therefore, appropriate turning radii and site lines at intersections should be considered. In addition, all 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. Municipal roads are also not designed to accommodate overflow parking from recreational or country residential developments and any proposals will need to provide adequate parking on site. 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, several of which cross the reservoir at three separate locations. Relocation of these lines will be done at the province's expense and should be undertaken to the land owner's satisfaction.

Policies

- 9.1** A hierarchy of secondary and municipal roads as shown on Map 4 is hereby established.
- 9.2** Construction of any new roadways shall be done according to municipal standards with those standards being outlined in a development agreement.
- 9.3** Any new roadways shall not significantly impact any wildlife mitigation areas or environmentally sensitive areas.
- 9.4** 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.
- 9.5** Any new access that would negatively affect the water supply of the reservoir shall not be permitted.
- 9.6** Any new development in the plan area shall abide by the setbacks from roadways outlined in the municipal district's land use bylaw.
- 9.7** 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 the reservoir.

M.D. OF WILLOW CREEK NO. 26 PINE COULEE RESERVOIR AREA STRUCTURE PLAN ROAD NETWORK

LEGEND

--- MAJOR ROADS

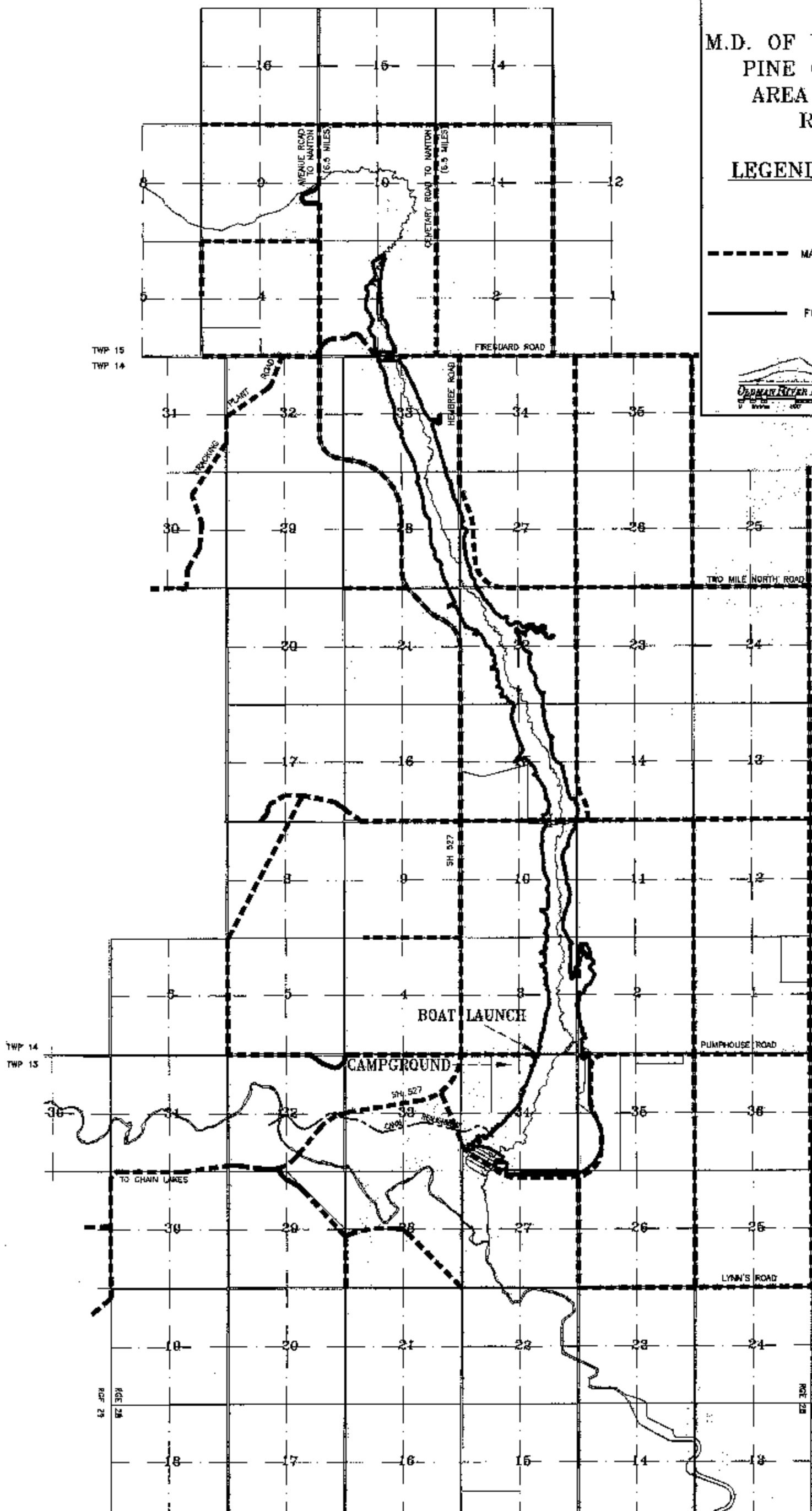
— FULL SUPPLY LINE



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Reservoir Development Division



10. 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 which is not identified as 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.

10.1 OBJECTIVES

- 10.1.1** To provide a forum for the initial contact with the developer and the Subdivision and Development Authority, being the Municipal Planning Commission.
- 10.1.2** To establish a close liaison between the Municipal Planning Commission and the municipal council.
- 10.1.3** 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.

10.2 PROCEDURE

- 10.2.1** 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.
- 10.2.2** 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.
- 10.2.3** 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.

- 10.2.4** 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 Environmental Protection;
 - (e) near-surface water table test information to a depth of at least seven feet from the ground surface;
 - (f) any other information required by council.
- 10.2.5** 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 municipality's planning advisor
 - Telus
 - TransAlta Utilities
 - Canadian Western Natural Gas Company
 - Headwaters Regional Health Authority
 - Livingstone Range School Authority
 - Alberta Agriculture, Food and Rural Development
 - Alberta Community Development
 - Alberta Environmental Protection
 - Alberta Economic Development
 - Alberta Transportation and Utilities
 - Alberta Energy and Utilities Board
 - and any other department or agency that council deems appropriate to be notified.
- 10.2.6** 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.
- 10.2.7** 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 Environmental Protection.
- 10.2.8** 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 or secondary roads;
 - (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.

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

10.2.10 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.

10.2.11 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.

11. IMPLEMENTATION, ADMINISTRATION AND AMENDMENT

The Pine Coulee Reservoir 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 reservoir 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.

11.1 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.

11.2 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.

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

- 11.4** 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.
- 11.5** 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.
- 11.6** The definitions contained herein in Appendix 1 shall be applicable to this bylaw.
- 11.7** 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.
- 11.8** 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.
- 11.9** This plan shall be reviewed by the municipal council at least once every five years.
- 11.10** Amendments to this area structure plan shall be undertaken in accordance with the procedures outlined in the Municipal Government Act.
- 11.11** 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, 1994, Chapter M-26.1, 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 stake, 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.

Carpport 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 Development and Subdivision Authority 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 habitable, based on comments from the Headwaters 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 the land use bylaw.

Development permit means a document issued pursuant to the land use 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 normally more than one parcel or lot 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.

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.

Institutional means a use by or for an organization or society for public or social purposes and, without restricting the generality of the term, includes senior citizen housing, nursing homes, day care centres, places of worship, museums, libraries, schools, service and fraternal organizations, and government buildings.

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 may, 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 herd of cattle, 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, Statutes of Alberta, 1994, Chapter M-26.1, 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 and kennels, 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.

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 institutional use means a use of land or buildings for any of the following public or semi-public developments:

- (a) a school or educational facility whether public or private;
- (b) churches or places of worship;
- (c) medical facilities which provide both inpatient 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 open space means land which is not in private ownership and is open to use by the public.

Public park or recreation use means a public park, playground, recreation area, indoor or outdoor rink, gymnasium, sportsfield, campground, historic or archaeological site or any similar facility or use of land or buildings provided that the park, playground, recreation area or similar facility is owned and/or administered by any level of government.

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 farm residence means a developed residence in addition to the primary farm residence.

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 has the same meaning as it has in the sign standards in the land use bylaw.

Similar use means a use which is not specifically considered in a land use district but, in the opinion of the Municipal Planning Commission, is similar in character and purpose to another use 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 the land use bylaw, the development officer, the Municipal Planning Commission or, on appeal, the Subdivision and Development Appeal Board can waive provisions of the land use bylaw.

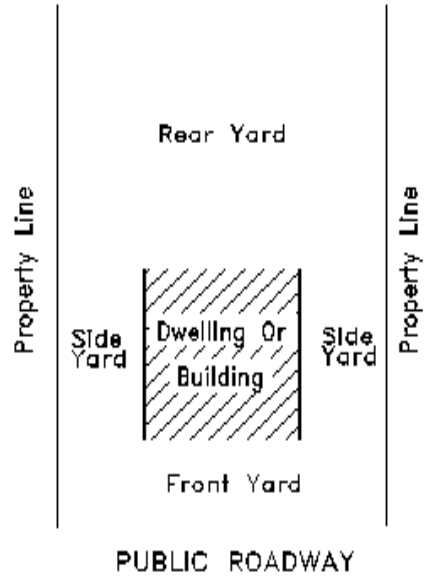
Yard means the minimum required open space, on a site, that lies between the principal and accessory building or structure and the nearest lot line.

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

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

- (iii) maximum of 5 acres (2.0 ha); or
- (iv) maximum of 10 acres (4.0 ha) on cut-off parcels.

(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.