

MUNICIPAL DISTRICT
OF
ACADIA NO. 34

LAND USE BYLAW NO. 684

MARCH 1998

PART I: SHORT TITLE, PURPOSE AND DEFINITIONS

1. SHORT TITLE

- (1) This Bylaw may be cited as "Municipal District of Acadia No. 34 Land Use Bylaw".

2. PURPOSE

- (1) The purpose of this Bylaw is to:
 - (a) provide direction for the orderly, economical, and beneficial development, use of land and patterns of human settlement for the residents of the Municipal District of Acadia No. 34, and
 - (b) regulate and control development or, where necessary, prohibit development without infringing on the rights of individuals for any public interest except to the extent that is necessary for the overall greater public interest.

3. APPLICATION OF THIS BYLAW

- (1) Except as permitted in this Bylaw, no person shall commence a development unless a development permit for that development has been issued and the appeal period has expired.
- (2) If one or more provisions of this Bylaw are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.
- (3) This Bylaw comes into force upon the date of final reading.
- (4) An application for a development permit, which is received in its complete form prior to the effective date of this Bylaw, shall be processed as if this Bylaw had not come into force.

4. INTERPRETATION

- (1) In this Bylaw, unless the context otherwise requires, the expression "use" or "to use" shall include done or permitted by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant or agent acting for or with the knowledge and consent of the owner or occupant for the purpose of making use of the said land, building or structure.
- (2) Unless otherwise stated, The Interpretation Act applies to this Bylaw.

5. DEFINITIONS

"**Accessory Building**" means a separate building the use of which is accessory and subordinate to the use of the principal building on the same lot.

"**Accessory Use**" means a use customarily associated with but subordinate to the permitted and discretionary uses pursuant to this Bylaw.

"**Act**" means the Municipal Government Act being Chapter M-26.1 of the Revised Statutes of Alberta 1994 as amended.

"**Adjacent land**" means land that is contiguous to the parcel of land that is being redesignated or subdivided and includes land that would be contiguous if not for a highway, road, river or stream.

"**Animal Unit**" see "Intensive Livestock Operation."

"**Appeal board**" means the Subdivision and Development Appeal Board appointed by the Municipal Council pursuant to the Act.

PART II: ADMINISTRATIVE DUTIES AND RESPONSIBILITIES

1. DEVELOPMENT OFFICER

- (1) The office of Development Officer is hereby established and shall be filled by a person or persons to be appointed by resolution of Council.
- (2) Pursuant to the Act, the Development Officer is hereby declared to be a development authority.
- (3) The Development Officer shall:
 - (a) assist and advise the Council and the public with respect to the requirements of the Land Use Bylaw and other pertinent legislation to the best of his/her ability;
 - (b) keep and maintain for the inspection of the public during office hours a copy of this Bylaw and any adopted statutory plans and all amendments thereto and ensure that copies of the same are available to the public at a reasonable charge set by Council from time to time;
 - (c) provide a list of all applications to the secretary of the Municipal Planning Commission prior to each meeting, including those, which have been approved under subsection (4);
 - (d) keep on file in his office and make available for inspection by the general public during office hours a register of all applications for development including the decisions therein, for a minimum period of three years.
- (4) The Development Officer shall receive all completed applications for a Development Permit for development and shall:
 - (a) approve all applications, which constitute a "Permitted Use" in a Land Use District and comply in all respects to the standards of that district. The Development Officer may approve such applications with or without conditions;
 - (b) consider and decide on all applications, which constitute a "Class I Discretionary Use" in a Land Use District and comply in all respects to the standards of that district. The Development Officer may approve such applications with or without conditions;
 - (c) consider and decide on renewal of time limited permits which comply in all aspects to the conditions of the original permit. If, in the opinion of the Development Officer, the development does not meet the conditions of the original permit, then it shall be treated as a new application.
 - (d) refer, with his recommendations, to the Municipal Planning Commission all applications for development permits involving:
 - (i) Class II Discretionary uses;
 - (ii) variances from the relevant development standards;
 - (iii) those matters requiring the specific approval of the Municipal Planning Commission pursuant to this Bylaw;
 - (iv) any other matters which in the opinion of the Development Officer does not comply with the intent of the relevant provisions of this Bylaw;
 - (e) refuse all other applications, unless in the Development Officer's opinion, there is justification for an application to receive the Municipal Planning Commission's decision;
 - (f) refer to the Councils of incorporated municipalities, copies of all applications for Class II Discretionary Uses within their respective Urban Fringe District as shown in Schedule A. If comments on the application are not received from the municipality concerned within five (5) days from the date of mailing, the Development Officer shall refer the application to the Municipal Planning Commission as though the municipality had no comments on the application;
 - (g) refer any application for Development Permits to any agency or person for comments as required by the Subdivision and Development Regulation or when deemed appropriate.
- (5) Subject to subsection (6), the Development Officer may consider and decide upon an application which constitutes a "Permitted Use" in a Land Use District, which does not comply with all respective standards of the district if in the opinion of the Development Officer,
 - (a) the proposed development would not
 - (i) unduly interfere with the amenities of the neighbourhood, or
 - (ii) materially interfere with or affect the use, enjoyment, or value or neighbouring properties, and
 - (b) the proposed development conforms to the use prescribed for that land or building in this Bylaw;
 - (c) the proposed development complies with any adopted statutory plans.

PART IV: SUBDIVISION PROCEDURES

1. REQUIREMENT FOR A SUBDIVISION

- (1) Land Titles Office will not accept for registration an instrument that has the effect or may have the effect of subdividing a parcel of land unless the subdivision has been approved by a subdivision authority.
- (2) Notwithstanding subsection (1) but subject to subsection (4), a subdivision is not required if registration of the instrument results in the issuing of one or more certificates of title and the parcel of land described in each certificate of title so issued would consist only of any or all of the following:
 - (a) a quarter section;
 - (b) a river lot shown on an official plan, as defined in *the Surveys Act*, that is filed or lodged in a land titles office;
 - (c) a lake lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
 - (d) a settlement lot shown on an official plan, as defined in the *Surveys Act*, that is filed or lodged in a land titles office;
 - (e) a part of the parcel of land described in the existing title if the boundaries of the part are shown and delineated on a plan of subdivision;
 - (f) a parcel of land created pursuant to a bylaw passed by a municipality under section 665 of the Act.
- (3) For the purpose of subsection (2), a parcel of land is deemed to be a quarter section, river lot, lake lot, or settlement lot if the parcel of land would consist of a quarter section, river lot, lake lot or settlement lot except that land has been removed from the parcel of land by a subdivision effected only for a purpose referred to in the Act or by a plan of subdivision or any other instrument that effected a subdivision.
- (4) Subdivision approval is required for registration of a separation instrument or caveat that has the effect or may have the effect of subdividing a parcel of land
 - (a) if the parcel of land is described in a plan of subdivision that was registered in a land titles office before July 1, 1950; and
 - (b) if the parcel of land contains 2 or more lots one or more of which is less than 8.0 hectares in area.

2. SUBDIVISION APPLICATION

- (1) A person may apply to the Municipal District for subdivision approval in accordance with the Subdivision and Development Regulation by submitting a proposed plan of subdivision or other instrument that describes the subdivision.

3. PLANS AND INFORMATION REQUIRED

- (1) One (1) copy of the completed and signed application form which includes a section in which the applicant for subdivision approval may or may not consent to the municipality or its delegate carrying out an inspection at a reasonable time of the land that is the subject of the application.
- (2) An application fee to be determined from time to time by resolution of Council.
- (3) One (1) copy of the current Duplicate Certificate of Title for the land proposed for subdivision.
- (4) In the case of a subdivision proposal with not more than one new lot, and no public roadways or reserve lots, a sketch plan consisting of the following is required:
 - (a) the location, dimensions and boundaries of the land to be subdivided;
 - (b) the location, dimensions and boundaries of each new lot to be created;
 - (c) the location and dimensions of buildings, utilities, underground storage tanks and other improvements on the land that is the subject of the application and specifying those buildings and improvements that are proposed to be demolished or moved; and
 - (d) the use proposed for the land that is the subject of the application;
 - (e) the method for provision of sewer and water to the proposed parcel.
- (5) In the case of a subdivision application involving more than two lots, a proposed plan of subdivision drawn by a Land Surveyor to a scale of not less than 1:2000, consisting of the following is required:

PART V: GENERAL LAND USE REGULATIONS

1. USE OF LAND

- (1) On receipt of a development permit, a person may develop land for the purposes approved subject to meeting the regulations and any conditions imposed and shall not develop land otherwise.

2. COMPLIANCE WITH OTHER LEGISLATION

- (1) Nothing in this Bylaw affects the duty or obligation of a person:
 - (a) to obtain any other permit, license or other authorization required by any act or regulation, or under any other Bylaw; or
 - (b) to comply with the conditions of any easement, covenant, or agreement affecting the building or land.

3. SUB-STANDARD LOTS

- (1) Development of existing lots which are contained in an existing Certificate of Title and do not meet the minimum size requirements or any other requirements of this Bylaw will be considered by the Municipal Planning Commission as A Discretionary Use.

4. RECLASSIFICATION OF LAND

- (1) No development permit may be issued on any land within any Agricultural Land Use District which would result in more than one Discretionary Use per quarter which would be more appropriately located within another Land Use District unless the parcel has been reclassified.

5. DWELLING UNITS ALLOWED ON A PARCEL

- (1) A development permit may be issued for a second or additional dwelling unit on a parcel if the dwelling unit
 - (a) is to be occupied by a person who will be solely, or mainly, employed in the farming or intensive livestock operation being conducted on the site, and the residence is located at the existing building site containing the first residence, unless otherwise approved by the Municipal Planning Commission; or
 - (b) is contained in a building that is designed for or divided into two or more dwelling units, and is located in a land use district which permits semi-detached dwellings or multi-unit dwellings; or
 - (c) results in three or more mobile homes forming part of a mobile home park for which a development permit has been issued.
- (2) The Municipal Planning Commission may approve a temporary residence to be placed on a parcel where the second dwelling unit is
 - (a) to be occupied by a person who is an immediate family member to the registered owner of the land and needs to be near for medical reasons; and
 - (b) a mobile home connected where practical to the same utilities as the main residence.
- (3) For the purposes of subsection (2), 'Immediate family member' means any of the following relations of a landowner: parent, grandparent, grandchild, son, daughter, brother or sister.

6. ELEVATIONS & DRAINAGE IN HAMLETS

- (1) Each parcel in a hamlet shall be graded so that storm water does not drain onto adjoining property unless permitted by prior agreement or past precedent.
- (2) Within hamlets the Development Officer may specify an elevation at which any new development may be constructed in order to facilitate proper site drainage and attachment to any existing or proposed sewer system.
- (3) Within Hamlets, Hamlet Drainage Districts / Corridors shall not be obstructed with any structure or device that may impede the natural flow of water within said areas.

PART VI: LAND USE DISTRICTS

1. DISTRICTS

(1) For the purpose of this Land Use Bylaw, the Municipal District is divided into the following Districts:

Agricultural District 1		A-1
Agricultural District 2 (Horticulture)		A-2
Country Residence District		CR
Seasonal Residence District		SR
Recreation / Residential Resort District		RRR
Public and Semi-public Service District		PS
Industrial District		I
Light Industrial District	LI	
Highway Commercial District		HWY-C
Hamlet Commercial District		HC
Hamlet Drainage District		HD
Hamlet Industrial District		HI
Hamlet General District		HG
Hamlet Residential District (Single Family)	HSR	
Hamlet Residential District		HR

(2) The boundaries of the districts listed in subsection (1) are as delineated on the Land Use District Map being Schedule A hereto.

(3) Where uncertainty exists as to the boundaries of districts as shown on the Land Use District Map, the following rules shall apply:

Rule 1: Where a boundary is shown as following a street, lane, stream or canal, it shall be deemed to follow the centre line thereof.

Rule 2: Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

Rule 3: In circumstances not covered by Rules 1 and 2, the location of the district boundary shall be determined:

(a) where dimensions are set out on the Land Use District Map, by the dimensions so set, or

(b) where dimensions are set out on the Land Use District with respect to such boundary, by measurement of land use of the scale shown on the Land Use District Map.

(4) Where the application of the above rules do not determine the exact location of the boundary of a district, the Council either on its motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary shall fix the portion of the district boundary in doubt or dispute in a manner consistent with the provisions of this Bylaw and the degree of detail as to measurements and directions as the circumstances may require.

(5) After the Council has fixed a district boundary pursuant to the provisions of subsection (4), the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this Bylaw.

(6) The Council shall maintain a list of its decision with respect to boundaries or portions thereof fixed by it.

Guide for CFOs, seasonal feeding and bedding sites

Livestock producers, municipalities and Albertans have a new information tool to help them better understand and implement recent amendments to the Agricultural Operation Practices Act (AOPA). The changes to AOPA lay a foundation for environmental standards in the province's livestock industry and enhance the approval process for Confined Feeding Operations (CFOs). The new 16-page Reference Guide: Agricultural Operation Practices Act outlines the regulations and producers' new responsibilities under AOPA.

Amendments to AOPA set new standards for environmental management of Alberta's livestock industry. This document will help producers, municipalities and the public understand and implement the new standards defined in the legislation.

The Natural Resources Conservation Board (NRCB) administers AOPA, including a one-window process for siting and approval of applications for new and expanding CFOs. The NRCB is also responsible for monitoring and enforcing compliance with province-wide standards and permit conditions in NRCB approvals and existing municipal permits.

Oriented towards producers, the new guide leads readers through the legislation. Key points include:

- nuisance provisions related to odour, noise, dust, smoke and other disturbances resulting from agricultural operations
- siting of livestock production facilities to minimize nuisance and protect the environment
- approval, registration and authorization required
- manure storage standards for all livestock production including CFOs and anyone who handles or stores manure
- seasonal feeding and bedding site management
- application of livestock manure, including record keeping
- soil nutrient levels for all livestock producers and other manure users
- protection of surface and ground water
- transitional provisions and change of ownership for existing CFOs
- compliance monitoring and enforcement
- role of the NRCB, Alberta Agriculture, the Farmers' Advocate of Alberta and municipalities

The new Reference Guide: [Agricultural Operation Practices Act](http://www.agric.gov.ab.ca/livestock/cfo/guide.html) is available on the internet at <http://www.agric.gov.ab.ca/livestock/cfo/guide.html> and in print. For a printed copy of the Guide, contact Alberta Agriculture's Publications Office at 1-800-292-5697.

Copies of the Guide are also available from industry associations and NRCB regional offices in:

Lethbridge (403) 381-5166
Red Deer (403) 340-5241

MUNICIPAL DISTRICT OF ACADIA NO. 34
LAND USE BYLAW NO. 684

**APPLICATION FOR A DEVELOPMENT PERMIT
FOR AN INTENSIVE LIVESTOCK OPERATION**

The undersigned hereby makes application for a development permit in accordance with the plans and supporting information submitted herewith as outlined below.

Fee \$ _____
Receipt # _____
D.P. # _____

LAND OWNER: _____ OPERATOR: _____
ADDRESS: _____ ADDRESS: _____
PHONE NO.: _____ PHONE NO.: _____

1.0 LEGAL DESCRIPTION OF LAND TO BE DEVELOPED

All / Part of _____ 1/4 Sec. _____ Twp. _____ Rge _____ W. of _____ Meridian

2.0 DEVELOPMENT DESCRIPTION

Development Type New Renovation Expansion Replacement
Description: _____ Estimated Value of Development _____

Animal Type	Existing	Additional or New
_____	_____	_____
_____	_____	_____
_____	_____	_____
TOTALS:	_____	_____

3.0 ADJACENT LAND USES

	TYPE OF NEIGHBOUR*	DISTANCE (FEET)
NEAREST NEIGHBOUR	_____	_____
NEXT NEAREST NEIGHBOUR	_____	_____
NEXT NEAREST NEIGHBOUR	_____	_____

* Farm house, country residence, multi-lot country residence, hamlet, recreational etc.

4.0 MANURE STORAGE

Storage Type

- LIQUID MANURE Go to Section 5.0 (Liquid Manure Storage)
- SOLID MANURE Go to Section 6.0 (Solid Manure Storage)
- OPEN LOT Go to Section 6.0 (Solid Manure Storage)

5.0 LIQUID MANURE STORAGE

Proposed Storage Period of Manure for the Livestock Facility: _____ days/months

Planned Liquid Manure Storage Volume (gals. or cubic feet)

Existing Manure Storage: _____
New Manure Storage: _____
Total Manure Storage: _____

Storage Structure:

- Earthen Storage Concrete or Similar
- With Liner Without Liner

Soil Permeability of the Site:

- Low Moderate High

Static Water Table:

- Greater than 3 feet below storage bottom
- Less than 3 feet below storage bottom

SCHEDULE A

LAND USE DISTRICT MAPS

MUNICIPAL DISTRICT OF ACADIA NO. 34

P.O. Box 30, Acadia Valley, AB. T0J 0A0 Ph. (403) 972-3808 Fax (403) 972-3833

FORM D

APPLICATION FOR SUBDIVISION

FOR OFFICIAL USE ONLY

21 DAYS

60 DAYS

Date of Receipt of Completed Form _____

File # _____

THIS FORM IS TO BE COMPLETED IN FULL WHEREVER APPLICABLE BY THE REGISTERED OWNER OF THE LAND SUBJECT OF THE APPLICATION OR BY AN AUTHORIZED PERSON ACTING ON HIS BEHALF.

1. Name of registered owner of land to be subdivided: _____
Address and phone no. _____

2. Name of agent (person authorized to act on behalf of registered owner), if any _____
Address and phone no. _____

3. LEGAL DESCRIPTION OF THE LAND TO BE SUBDIVIDED
All/part of the _____ 1/4 sec. _____ twp. _____ rng. _____ west of _____ meridian
Being all/parts of lot _____ block _____ Reg. Plan No. _____ C.O.T. No. _____
Area of the above parcel of land to be subdivided _____ acres / _____ hectares
Municipal address if applicable _____
Number of new parcels created _____

4. LOCATION OF THE LAND TO BE SUBDIVIDED
a. The land is situated in the municipality of _____
b. Is the land situated immediately adjacent to the municipal boundary? Yes _____ No _____
If yes, the adjoining municipality is _____
c. Is the land situated within 0.8 kilometres (1/2 mile) of the right of way of a highway? Yes _____ No _____
If yes the highway number is _____, the Secondary Road number is _____
d. Does the proposed parcel contain or is it bounded by a river, stream, lake or other body of water or by a drainage ditch or canal? Yes _____ No _____
If yes, state its name _____
e. Is the proposal within 1.5 km. (1 mile) of a sour gas facility? Yes _____ No _____

5. EXISTING AND PROPOSED USE OF THE LAND TO BE SUBDIVIDED
Describe:
a. The existing use of the land _____
b. The proposed use of the land _____
c. The designated use of the land as classified under a Land Use Bylaw _____

6. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED (WHERE APPROPRIATE)
a. Describe the nature of the topography of the land (flat, rolling, steep, mixed) _____
b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, etc., - - sloughs, creeks, etc.) _____
c. Describe the kind of soil on the land (sandy, loam, clay, etc.) _____

7. EXISTING BUILDINGS ON THE LAND TO BE SUBDIVIDED
Describe any buildings and any structures on the land and whether they are to be demolished or moved _____

8. WATER AND SEWER SERVICES
If the proposed subdivision is to be served by other than a water distribution system and a wastewater collection system, describe the manner of providing water and sewage disposal. _____

9. REGISTERED OWNER OR PERSON ACTING ON THE REGISTERED OWNER'S BEHALF
I, _____ hereby certify that