

## RESERVOIR VICINITY – RV

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**PURPOSE:** *To allow agricultural and non-agricultural uses to meet increasing pressures for development, where appropriate, without compromising the irrigation function and ecological significance of the reservoirs located within Vulcan County.*

### SECTION 1 USES

#### 1.1 Permitted Uses

Accessory building, structure or use  
Additions to existing buildings  
Agricultural building (e)  
Agricultural operation (e)  
Extensive agriculture (e)  
Home occupation 1 (e)  
Manufactured dwellings 1  
Modular dwellings 1 and 2  
Moved-in building  
Moved-in dwelling  
Ready-to-move dwelling  
Shipping container (e)  
Short-Term Rental 1  
Sign, Category 1 (e)  
Sign, Category 2  
Single detached dwelling  
Utilities (e)

#### 1.2 Discretionary Uses – MPC

Abattoir  
Animal care service, small and large  
Cemetery and interment services  
Child care facility  
Community hall  
Duplex  
Intensive horticultural operation  
Kennel, breeding  
Meteorological tower  
Mushroom farm  
Public building or use  
Religious assembly  
Renewable energy, individual  
Riding stable/arena  
School  
Short-Term Rental 2  
Stripping and sale of topsoil

#### Discretionary Uses – DO

Dwelling unit, combined  
Home occupation 2  
Manufactured dwelling 2  
Second dwelling unit  
Secondary suite  
Sign, Category 2 and 3

*(e) means “Exempt” and development will not require a development permit if it meets all the provisions of this Bylaw and is in accordance with any applicable requirements in Schedule 3.*

## **SECTION 2      PARCEL AND LOT SIZE**

- 2.1      A minimum lot size of 0.4 ha (1 acre) is recommended for any permitted or discretionary use. This may be varied by the Municipal Planning Commission to reasonably accommodate the proposed use. Parcels and lot sizes for all land uses shall be determined by the Municipal Planning Commission. The following parcel sizes apply to the uses listed below.
- 2.2      Extensive Agriculture
- (a)    existing parcels;
  - (b)    64.8 ha (160 acres) or an unsubdivided quarter section.
- 2.3      Farmsteads
- (a)    existing parcels;
  - (b)    flexible maximum based on farmstead definition.
- 2.4      Vacant Country Residential
- (a)    existing parcels;
  - (b)    minimum of 0.4 ha (1 acre);
  - (c)    maximum of 1.2 ha (3 acres).

## **SECTION 3      DENSITY**

- 3.1      The maximum number of parcels allowed on an unsubdivided quarter section of land shall be two, unless a redesignation process is undertaken and approved.

## **SECTION 4      RESERVOIR MATTERS**

- 4.1      The Development Authority shall have regard for the *Reservoir Lands Guideline* (Alberta Environment, 2015) in evaluating subdivision and development proposals.

## **SECTION 5      MINIMUM SETBACK FROM PROPERTY LINES**

- 5.1      All structures and buildings shall be setback 7.6 m (25 ft) from all property lines not fronting on or adjacent to a municipal roadway.

## **SECTION 6      MINIMUM SETBACKS FROM ROADS**

- 6.1      No part of a building or structure shall be located within 38.1 m (125 ft) of the centre line of any public roadway which is not designated as a provincial highway under the *Highways Development and Protection Regulation*.
- 6.2      Any road designated as a provincial highway under the *Highways Development and Protection Regulation* is subject to setbacks as required by Alberta Transportation and any applications for development adjacent to a highway should be referred to Alberta Transportation for a Roadside Development Permit.

- 6.3 No part of any dugout, regardless of size, shall be located within 76.2 m (250 ft) of the right-of-way of a highway or public road.
- 6.4 Dugouts may be allowed closer to the centre line of a highway or public road if a barricade is installed along 100 percent of the length of that part of the dugout fronting the highway or public road and 25 percent of the length of the sides of the dugout.

## **SECTION 7 MINIMUM SETBACKS FROM IRRIGATION INFRASTRUCTURE**

- 7.1 No part of a building or structure shall be located:
- (a) within 10.0 m (33 ft) of the centreline of a Bow River Irrigation District (BRID) irrigation pipeline or 3.0 m (10 ft) of a registered right-of-way or easement for any irrigation pipeline or irrigation canal, whichever is greater;
  - (b) within 60.1 m (200 ft) from any BRID or Alberta Environment water reservoir measured from the water's edge at full supply level (FSL) or 30.5 m (100 ft) from the registered reservoir right-of-way, whichever is greater.

## **SECTION 8 MINIMUM FLOOR AREA REQUIREMENT**

- 8.1 The minimum floor area of the principal dwelling shall not be less than 74.3 m<sup>2</sup> (800 ft<sup>2</sup>), not including multi-unit dwellings.

## **SECTION 9 ACCESS**

- 9.1 The municipality may, at the time of subdivision or development, require the developer to enter into an agreement for the construction or upgrade of any approach(es) necessary to serve the development area in accordance with County Design Guidelines.
- 9.2 To ensure proper emergency access, all developments shall have direct legal and physical access to a public roadway in accordance with County Design Guidelines. If the development is within 300 m (984.3 ft.) of a provincial highway, direct legal and physical access to a public roadway shall be to the satisfaction of Alberta Transportation.
- 9.3 The requirement for a service road or subdivision street to provide access may be imposed as a condition of subdivision approval for any new development. Survey and construction costs shall be the responsibility of the applicant.

## **SECTION 10 ACCESSORY BUILDINGS**

- 10.1 An accessory building shall not be used as a dwelling unit except where approval is granted for a Dwelling Unit, Combined.
- 10.2 An accessory building shall be setback a minimum 3.0 m (10 ft) from the principal dwelling and from all other structures on the same lot.
- 10.3 Where a structure is attached to the principal building on a site by a roof, an open or enclosed structure, a floor or foundation, it is to be considered a part of the principal building and is not an accessory building.

## **SECTION 11 FENCES AND SHELTERBELTS**

- 11.1 Agricultural fences constructed of rails, stakes, strung wire, or similar material with more than 85 percent of their surface area open for free passage of light and air may be located along the property boundaries of any agricultural parcel and are not subject to the 38.1 m (125 ft) setback from municipal roads or the required setbacks for the land use district.
- 11.2 Fences used as an enclosure, barrier, boundary, means of protection, privacy screening or confinement constructed of any allowable material (wood, stone/brick, metal, or plastic) with less than 85 percent of their surface area open for free passage of light must be located outside the required setbacks for the land use district and shall not exceed 2.4m (8 ft.) in height.
- 11.3 In rural areas along municipal roads, the construction or erection of a fence, hedge or shelterbelt shall comply with the following:
- (a) no fence, hedge, tree or shelterbelt shall be erected which would unduly restrict the vision of approaching traffic; and
  - (b) no fence, hedge, tree or shelterbelt under Section 11.2 shall be erected closer than 7.6 m (25 ft) of the right-of-way of a municipal road. This provision shall not apply to existing yardsites developed before the passing of this Bylaw.

## **SECTION 12 SERVICING REQUIREMENTS**

- 12.1 Every development shall be required to install a sewage disposal system and potable water system to the satisfaction of the Development Authority and in accordance with any applicable County Design Guidelines. The Development Authority may refuse a development if the parcel on which it is proposed is not large enough to support a sewage disposal system to the standard required.

## **SECTION 13 SUBDIVISION**

### **General**

- 13.1 The Municipal Planning Commission may only approve one subdivision on an unsubdivided quarter section within the Reservoir Vicinity – RV district. The Municipal Planning Commission may consider a quarter section to be unsubdivided if previous subdivisions were for the purpose of:
- (a) public or quasi-public use;
  - (b) the parcel meets the requirements of 12.4, Agricultural Uses;
  - (c) the parcel meets the requirements of 12.6, Cut-Off or Fragmented Agricultural Parcel; or
  - (d) the parcel meets the requirements of 12.9, Subdivision of Existing Small Titles.

### **Agricultural Uses**

- 13.2 A subdivision for an intensive horticultural use may be treated as an agricultural use and may be permitted as one of the allowable subdivisions from a quarter section.
- 13.3 The Municipal Planning Commission shall not approve an application for subdivision of a parcel on which an existing or proposed confined feeding operation (CFO) is located.

- 13.4 The creation of large agricultural parcels will be considered on a case-by-case basis and may include the following:
- (a) the creation of a 32.4 ha (80 acre) parcel provided there is a minimum residual parcel size of 28.3 ha (70 acres); or
  - (b) logical divisions based on topography or other conditions at the discretion of the Municipal Planning Commission.
- 13.5 A parcel created pursuant to the above policy or previous provincial policies may be eligible for the subdivision of an existing farmstead or vacant parcel provided that the proposal is consistent with the requirements established for single lot parcels in 12.10 and 12.11.

#### **Existing Agricultural Parcels**

- 13.6 The enlargement, reduction or realignment of an existing separate parcel may be approved provided that:
- (a) the additional lands required are to accommodate existing or related improvements; or
  - (b) the proposal is to rectify or rationalize existing habitation, occupancy, cultivation or settlement patterns; and
  - (c) no additional parcels are created over and above those presently in existence;
  - (d) the proposed new lot and the proposed residual lot will continue to have direct legal and physical access to a public roadway, adequate development setbacks, and a suitable building site; and
  - (e) the size, location and configuration of the proposed lot will not significantly affect any irrigation or transportation system in the area nor the urban expansion strategies of neighbouring municipalities.

#### **Cut-Off or Fragmented Agricultural Parcel**

- 13.7 Subdivision of an undeveloped or developed cut-off parcel may be approved if:
- (a) the proposed lot is separated from the residual by:
    - (i) a registered exception from the title,
    - (ii) a feature that creates a significant physical barrier to use of both sides as a unit;
  - (b) the proposed lot has legal access;
  - (c) neither the proposed lot or the residual parcel are occupied by a confined feeding operation.
- 13.8 A parcel created pursuant to the provisions of the above policy or previous provincial policies may be eligible for the subdivision of an existing farmstead or vacant parcel provided that the proposal is consistent with the requirements established for single lot parcels in 12.10 and 12.11 and the residual of the fragmented parcel must be at least 1.2 ha (3 acres) in size.

#### **Subdivision of Existing Small Titles**

- 13.9 An existing title of land that is 16.2 ha (40 acres) or less but greater than 2.4 ha (6 acres) may be divided into two parcels if:
- (a) both parcels can accommodate joint access to a public road; and
  - (b) the subdivision does not propose to create more than four titles per quarter.

### Single Lot Developed Farmstead

- 13.10 A subdivision that proposes to create a single parcel containing a developed residence or farmstead may be approved provided that:
- (a) the proposed parcel is to be subdivided from a previously unsubdivided quarter section compliant with the farmstead definition with a flexible maximum parcel size based on the improvements;
  - (b) **Farmstead** means a part of a parcel that:
    - (i) is presently or was formerly used as a single detached dwelling;
    - (ii) is further developed with agricultural buildings such as quonsets and grain bins, accessory buildings, structures such as corrals, storage compounds and/or storage or areas used for farm machinery, produce and fertilizer, dugout and/or water well or municipal rural water and septic system;
    - (iii) is of a compact size and physically defined by topography, shelterbelts or other physical characteristics;
    - (iv) does not include any cultivated farmland or lands suitable for agricultural production unless included within a shelter belt and/or physically defined area. Fencing alone shall not constitute a physically defined area if it encompasses agricultural land or hazard lands that are not necessary for the habitation of the proposed subdivision and that may be left with the larger agricultural parcel unless impractical to do so; limited pasture land used for grazing of animals may be included where the lands are part of a developed yard site; and
  - (c) the proposed lot on which the dwelling is located and the proposed residual parcel have direct legal and/or physical access to a public roadway;
  - (d) the access is satisfactory to Alberta Transportation where the access is onto or in close proximity to a primary highway;
  - (e) the size and location of the proposed lot will not significantly affect any irrigation system in the area;
  - (f) the dwelling unit located on the proposed parcel can meet or exceed the minimum distance separation (MDS) requirements from an existing confined feeding operation, as established in the *Agricultural Operation Practices Act, Standards and Administration Regulation*; and
  - (g) the residual parcel size after subdivision is to be flexible based on the proposal for subdivision.

### Single Lot Vacant

- 13.11 A subdivision which proposes to create a single vacant parcel may be approved provided that:
- (a) the proposed parcel to be created is a maximum of 1.2 ha (3.0 acres) in size;
  - (b) the proposed single residential lot contains, in the opinion of the Municipal Planning Commission, a buildable site;
  - (c) the proposed single residential lot can be serviced to the satisfaction of the Municipal Planning Commission;
  - (d) the development on the proposed single residential lot will not, in the opinion of the Municipal Planning Commission, inhibit public access to or otherwise have a detrimental effect on agriculture or the recreational use of a river valley, water body, environmentally sensitive area or special scenic location;

- (e) the proposed lot and the residual parcel both have direct legal and physical access to a public roadway;
- (f) the access is satisfactory to Alberta Transportation where the access is onto or in close proximity to a primary highway; and
- (g) the size and location of the proposed lot will not significantly affect any irrigation system in the area.

#### **Public and Institutional Uses**

13.12 A subdivision application for public or institutional uses may be recommended for approval if:

- (a) the Municipal Planning Commission is satisfied that suitable, existing alternative parcels are not reasonably available in another land use district;
- (b) the legal and physical access, including access to the residual agricultural lot, satisfies Alberta Transportation, in the case of a provincial highway or the Municipal Planning Commission in the case of municipal roads;
- (c) the Municipal Planning Commission is satisfied that the use is primary, suitable, serviceable and will be developed as proposed; and
- (d) where already functioning, the application encompasses the developed site only.

13.13 The conversion of small parcels established for public or institutional purposes to other uses should be limited to those developments which, in the opinion of the Municipal Planning Commission, are considered appropriate and compatible with surrounding uses.

**SECTION 14 LAND SUITABILITY AND SERVICING REQUIREMENTS – See Schedule 4.**

**SECTION 15 STANDARDS OF DEVELOPMENT – See Schedule 5.**