

BYLAW NO. 1388/23

A BYLAW OF LACOMBE COUNTY, IN THE PROVINCE OF ALBERTA, TO AMEND THE LACOMBE COUNTY LAND USE BYLAW, BYLAW NO. 1237/17 AS IT RELATES TO GENERAL REGULATIONS AND DISTRICT REQUIREMENTS.

WHEREAS notice was given of Council's intention to amend the Land Use Bylaw in the following local newspapers:

XX XX

AND WHEREAS a public hearing was held on XX, 2023 to allow the general public to comment on the proposed amendments to the Land Use Bylaw;

NOW THEREFORE the Council of Lacombe County under the authority and pursuant to the provisions of the *Municipal Government Act*, RSA 2000, c.M-26-1, as amended, enacts that the Land Use Bylaw be amended as follows:

PART 1 – DEFINITIONS

1.6 DEFINITIONS

Add the following definitions:

DATA PROCESSING CENTRE means a building, dedicated space within a building, or a group of buildings used to house computer systems and associated infrastructure and components for the digital transactions required for processing data. This includes, but is not limited to cryptocurrency, digital currency processing, non-fungible tokens, and blockchain transactions.

RAIL SPUR means a secondary track used by railroads to allow customers at a location to store, load and unload railcars without interfering with other railroad operations.

RAIL YARD means a series of railroad tracks for storing, sorting, or loading/unloading, railroad cars and/or locomotives.

Amend the FLOODPLAIN and INDUSTRIAL, HEAVY MANUFACTURING AND PROCESSING definitions as follows:

FLOODPLAIN means the area of land bordering a water course or body of water that would be inundated by a 1 in 100 year flood (i.e. a flood that has a 1% chance of occurring every year) as determined by the Government of Alberta

INDUSTRIAL, HEAVY MANUFACTURING AND PROCESSING means a large-scale industrial manufacturing or processing activity. Without restricting the generality of the foregoing, heavy manufacturing and processing industry would include plants for the manufacture of petroleum products, pulp and paper products, stone, clay and glass products, cement and lime products, fertilizers, animal by-products; plants engaged

in the primary metal industry, including metal processing; the processing of natural gas or its derivatives; power generating stations (other than a commercial alternative energy system); and incinerators, including those for municipal and industrial use. Heavy industrial uses may have some negative effect on the safety, use, amenity and enjoyment of adjacent or nearby sites due to appearance, noise, odour, emission of contaminants, fire or explosive hazards, or dangerous goods.

PART 3 - DEVELOPMENT & SUBDIVISION APPLICATION PROCESS

3.2 REQUIREMENT FOR DEVELOPMENT PERMIT

Insert Policy 3.2(2)(t) as follows:

(t) subject to compliance with all relevant provisions of this Bylaw, solar energy conversion system, personal

3.4 DEVELOPMENT APPLICATION

Amend 3.4(7) Development Application as follows:

(7) The Development Authority shall require the applicant of an application for an intermediate campground, major campground, community facility, sand or gravel pit, cannabis production facility, special event, commercial alternative energy, kennel (new kennel or expanded kennel), data processing centre, and any other use or development that the Development Authority considers may have a potential adverse effect on the surrounding community, to undertake community consultation prior to an application being made to the County. The applicant is required to submit a summary of their community consultation with the application outlining neighbours concerns and how these concerns will be addressed or why they cannot be addressed.

(a) The standard community consultation circulation distance will require notification to all landowners within a half (0.5) mile radius of the proposed development location, with the exception of the following:

(i) A community facility development requires notification to all landowners within a one (1) mile radius of the proposed development location.

(ii) A sand or gravel pit development requires notification to all landowners within a one (1) mile radius of the proposed pit location as well as landowners within half (0.5) mile of an unpaved haul route.

(iii) A special event, data processing centre, or commercial alternative energy development requires notification to all landowners within a two (2) mile radius of the proposed development location.

PART 5 - ENFORCEMENT AND ADMINISTRATION

5.1 CONTRAVENTION

Amend Policy 5.1(3) as follows:

(3) The Development Officer may cause an application to be made to the Alberta Court of King's Bench for an injunction restraining the contravention or non-compliance.

PART 6 - GENERAL REGULATIONS

6.1 DWELLINGS ON A PARCEL

Amend Policy 6.1(2) as follows:

(2) A development permit shall be issued by the Development Officer for a second dwelling on Agricultural 'A' District lands if the parcel has an area of at least 4.05 ha (10 ac) or its equivalent had land not been taken for right-of-way, provided all other requirements of this Bylaw are complied with.

6.30 SPECIAL EVENTS

Amend Policy 6.30(5) as follows:

(5) Sound levels from the event shall be no more than 60 dBA measured at the 0.8 km (0.5 mi) radius.

Insert the following section:

6.35 DATA PROCESSING CENTRES

(1) All data processing centre applications will be reviewed to ensure the proposal will not negatively impact the surrounding area in which it is located and all applications will be at the discretion of the Development Authority.

(2) All necessary approvals will be required from the Alberta Utilities Commission.

(3) Fire Safety Plan to be submitted to the satisfaction of the County's Fire Chief.

(4) No advertising, except for company's name and/or logo subject to approval from the County, shall be visible from the property.

(5) Lighting for the development to comply with Dark Sky and Crime Prevention Through Environmental Design Principles.

(6) Landscaping and building design to comply with Section 6.14 Landscaping and the County's Highways and County Main Roads Overlay 'OD-1' District. In addition, the Development Authority may require additional landscaping or a buffer such as a berm.

(7) A noise attenuation study conducted by a qualified professional may be required by the Development Authority. If deemed necessary, a noise mitigation plan that may include a noise monitoring system may also be required.

(8) A data processing centre that includes a power plant shall provide written notice from the Alberta Utilities Commission that the power plant meets all the Alberta Utilities Commission requirements.

(a) If the Alberta Utilities Commission deems the application outside of their regulatory authority, then a data processing centre and associated power plant in the Agricultural 'A' District shall be located a minimum of 800m (2,625 ft) from a dwelling that is located on an adjacent, separately titled property. Distances shall be measured between the proposed site area of the data processing centre and associated power plant to the exterior wall of the dwelling;

(i) If, in the opinion of the Development Authority, the above noted setback will be insufficient to buffer the data processing centre and associated power plant from a dwelling, the Development Authority may increase the required setback; and

(ii) If, in the opinion of the Development Authority, the noise attenuation study and noise mitigation plan is deemed sufficient to buffer the data processing centre and associated power plant from a dwelling, the Development Authority may decrease the required setback.

(9) No offensive noise, vibration, smoke, dust, odour, heat or glare or anything else of an objectionable nature detectable beyond the property boundary shall be produced by the data processing centre as determined by the Development Authority.

(10) The Development Authority may require the applicant for a data processing centre to provide proposed mitigation measures for dust, traffic, noise and visual impact of the development.

PART 7 – LAND USE DISTRICTS

7.1 AGRICULTURAL DISTRICT (A)

2 USES

Add Discretionary **use**:

Data processing centre

3 REGULATIONS

Amend (1)(a) **Minimum Site Area** as follows:

(a) All of the land contained in the existing titled area, unless otherwise approved by the Subdivision Authority.

Amend (2) **Floor Area** as follows:

(b) The minimum floor area for a dwelling unit shall be not less than 69.68 m² (750 ft²).

7.2 GENERAL COMMERCIAL DISTRICT (C-GC)

2 USES

Move from a **Discretionary use** to a **Permitted use**:
Alternative energy, personal

3 REGULATIONS

Amend (1)(a) **Minimum Site Area** as follows:
(a) All of the land contained in the existing titled area, unless otherwise approved by the Subdivision Authority.

7.3 HIGHWAY COMMERCIAL DISTRICT (C-HC)

2 USES

Move from a **Discretionary use** to a **Permitted use**:
Alternative energy, personal

3 REGULATIONS

Amend (1)(a) **Minimum Site Area** as follows:
(a) All of the land contained in the existing titled area, unless otherwise approved by the Subdivision Authority.

7.4 HAMLET COMMERCIAL DISTRICT (C-H)

2 USES

Move from a **Discretionary use** to a **Permitted use**:
Alternative energy, personal

Add **Discretionary use**:
Special event, major (*in Fringe Commercial Area Only*)

7.5 BUSINESS INDUSTRIAL DISTRICT (I-BI)

2 USES

Move from a **Discretionary use** to a **Permitted use**:
Alternative energy, personal

Add **Permitted uses**:
Rail spur
Rail yard

Add **Discretionary use**:
Data processing centre

3 REGULATIONS

Amend (1)(a) and 1(b) **Minimum Site Area** as follows:

(a) All of the land contained in the existing titled area, unless otherwise approved by the Subdivision Authority.

(b) The maximum size of a lot adjacent to a provincial highway or a county main road shall be 4 ha (10 ac), unless otherwise approved by the Subdivision Authority.

7.6 HEAVY INDUSTRIAL DISTRICT (I-HI)

2 USES

Move from a **Discretionary use** to a **Permitted use**:

Accessory building and use, except those buildings that are exempt under section 3.2(1)(f) in Part 3 of this Bylaw

Agri-industrial

Heavy equipment service and repair

Industrial, heavy manufacturing and processing

Oil and gas facility, uses accessory to the oil and gas industry

Public use

Public utility building

Security/operator suite

Warehousing

Add **Permitted uses**:

Rail spur

Rail yard

Add **Discretionary use**:

Data processing centre

3 REGULATIONS

Amend (1)(a) **Minimum Site Area** as follows:

(a) All of the land contained in the existing titled area, unless otherwise approved by the Subdivision Authority.

7.7 HAMLET INDUSTRIAL DISTRICT (I-H)

2 USES

Move from a **Discretionary use** to a **Permitted use**:

Alternative energy, personal

Add **Permitted uses**:

Rail spur

Rail yard

7.8 RECREATION DISTRICT (PR)

2 USES

Move from a **Discretionary use** to a **Permitted use**:
Alternative energy, personal

3 REGULATIONS

Amend (1)(a) **Minimum Site Area** as follows:

(a) All of the land contained in the existing titled area, unless otherwise approved by the Subdivision Authority.

7.9 HAMLET PUBLIC RECREATION DISTRICT (PR-H)

2 USES

Move from a **Discretionary use** to a **Permitted use**:
Alternative energy, personal

7.10 RECREATIONAL VEHICLE RESORT DISTRICT (R-RVR)

3 REGULATIONS

Amend (1)(a) **Minimum Site Area** as follows:

(a) All of the land contained in the existing titled area, unless otherwise approved by the Subdivision Authority.

7.11 HAMLET DISTRICT (H)

3 REGULATIONS

Amend (1)(c) **Minimum Site Area** as follows:

(c) All of the land contained in the existing titled area, unless otherwise approved by the Subdivision Authority.

Amend (2) **Floor Area** as follows:

(a) The minimum floor area for a dwelling unit shall be not less than 69.68 m² (750 ft²). Standards for other uses shall be as required by the Development Authority.

7.12 HAMLET RESIDENTIAL 1 DISTRICT (H-R1)

3 REGULATIONS

Amend (2) **Floor Area** as follows:

All dwelling units minimum 69.68 m² (750 ft²)

7.13 HAMLET RESIDENTIAL 2 MOBILE HOME DISTRICT (H-R2)

3 REGULATIONS

Amend (2) **Floor Area** as follows:

All mobile homes minimum 69.68 m² (750 ft²)

7.14 HAMLET RESIDENTIAL 3 DISTRICT (H-R3)

3 REGULATIONS

Amend (1)(e) **Minimum Site Area** as follows:

- (e) Lots that are to be used for non-residential purposes shall have an area as approved by the Subdivision Authority.

7.15 COUNTRY RESIDENTIAL DISTRICT (R-CR)

3 REGULATIONS

Amend (1)(a) and (1)(c) **Minimum Site Area** as follows:

- (a) A residential dwelling shall be located on a lot that has an area of at least 1.01 ha (2.50 ac) but less than 1.62 ha (4 ac), unless the Subdivision Authority has approved a varied parcel size.
- (c) Lots that are to be used for non-residential purposes shall have an area as approved by the Subdivision Authority.

7.16 COUNTRY RESIDENTIAL ESTATE DISTRICT (R-CRE)

3 REGULATIONS

Amend (1)(a) and (1)(e) **Minimum Site Area** as follows:

- (a) A lot that is to be used as a site for a residence shall have an area of at least 0.51 ha (1.25 ac) but less than 1.01 ha (2.50 ac), unless the Subdivision Authority has approved a varied parcel size.
- (e) Lots that are to be used for non-residential purposes shall have an area as approved by the Subdivision Authority.

7.17 RESIDENTIAL CONSERVATION (CLUSTER) DISTRICT (R-RCC)

3 REGULATIONS

Amend (1)(a), (1)(b) and (1)(c) **Minimum Site Area** as follows:

- (a) A lot that is to be used as a site for a residence which is not serviced by communal, municipal or regional water and wastewater systems shall have an area of at least 0.51 ha (1.25 ac) but less than 1.01 ha (2.50 ac), unless the Subdivision Authority has approved a varied parcel size.
- (b) A lot that is to be used as a site for a residence which is serviced by communal, municipal or regional water and wastewater systems shall have an area of at least 0.10 ha (0.25 ac) but less than 0.51 ha (1.25 ac), unless the Subdivision Authority has approved a varied parcel size.
- (c) Lots that are to be used for non-residential purposes shall have an area as approved by the Subdivision Authority.

Amend (5)(b) **Setbacks** from a Side Line as follows:

- (b) Where a right-of-way is situated in the Residential Conservation (Cluster) 'R-RCC' District, the setback from the right-of-way and other property lines shall be as follows:

Side Line	1.52 m (5 ft)
	3.05 m (10 ft) from a side line adjacent to a right of-way other than a lane

7.18 RESIDENTIAL LAKE AREA DISTRICT (R-RLA)

3 REGULATIONS

Amend (1)(a), and (1)(g) **Minimum Site Area** as follows:

(a) A lot that is to be used as a site for a residence shall have an area of at least 0.51 ha (1.25 ac) but less than 1.01 ha (2.50 ac) , unless the Subdivision Authority has approved a varied parcel size.

(g) Lots that are to be used for non-residential purposes shall have an area as approved by the Subdivision Authority.

7.19 HIGHER DENSITY RESIDENTIAL DISTRICT (R-HDR)

3 REGULATIONS

Amend (1)(a) **Minimum Site Area** as follows:

(a) All of the land contained in the existing titled area, unless otherwise approved by the Subdivision Authority.

7.20 URBAN FRINGE RESIDENTIAL DISTRICT (R-UFR)

3 REGULATIONS

Amend (1)(a) and 11)(b) **Minimum Site Area** as follows:

(a) A lot to be used for a site of a residence shall have an area of at least 0.07 ha (0.18 ac) in interior parcels and 0.08 ha (0.2 ac) on corner parcels, unless the Subdivision Authority has approved a varied parcel size.

(b) No lot shall have an area greater than 0.10 ha (0.25 ac), unless the Subdivision Authority has approved a varied parcel size.

This Bylaw shall come into effect upon final passage thereof.

INTRODUCED AND GIVEN FIRST READING this 13 day of April, 2023

GIVEN SECOND READING this XX day of XX, 2023

GIVEN THIRD AND FINAL READING this XX day of XX, 2023

Barb Shepherd
Reeve

Tim Timmons
County Manager