

CITY OF EDMONTON ANNEXATION APPLICATION

APPENDIX 22.0

EDMONTON INTERNATIONAL AIRPORT
VICINITY PROTECTION AREA REGULATION

MARCH 2018

Edmonton



Province of Alberta

MUNICIPAL GOVERNMENT ACT

EDMONTON INTERNATIONAL AIRPORT VICINITY PROTECTION AREA REGULATION

Alberta Regulation 55/2006

With amendments up to and including Alberta Regulation 86/2016

Office Consolidation

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Alberta Queen's Printer
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

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(Consolidated up to 86/2016)

ALBERTA REGULATION 55/2006

Municipal Government Act

**EDMONTON INTERNATIONAL AIRPORT
VICINITY PROTECTION AREA REGULATION**

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Schedules

Definitions

1 In this Regulation,

- (a) “Airport Operator” means the Edmonton Regional Airports Authority established as a corporation under the *Regional Airports Authorities Act*, or a successor to that corporation;
- (b) “commercial development” means a development that is used or suitable for the provision of goods or services, or both, but does not include a development that is used or suitable for the processing of raw materials or for the manufacturing, processing, assembling or fabricating of finished products;
- (c) “development permit” means an authority to develop land under one of the following:

- (i) where the land is in the City of Edmonton, the Edmonton Zoning Bylaw No. 12800, as amended from time to time;
 - (ii) where the land is in Leduc County, the Leduc County Land Use Bylaw No. 1665-83, as amended from time to time;
 - (iii) where the land is in the City of Leduc, the City of Leduc Land Use Bylaw No. 516-2002, as amended from time to time;
 - (iv) where the land is in Parkland County, the Parkland County Land Use Bylaw No. 15-00, as amended from time to time, or a building permit for a single detached dwelling or a mobile home;
- (d) “municipality” means any of the following:
- (i) the City of Edmonton;
 - (ii) Leduc County;
 - (iii) the City of Leduc;
 - (iv) Parkland County;
- (e) “NEF Area” means an area of land that
- (i) is enclosed by noise exposure forecast contour line 40 as shown on the map in Schedule 2,
 - (ii) lies between any 2 noise exposure forecast contour lines shown on the map in Schedule 2, or
 - (iii) lies between the boundary of the Protection Area and noise exposure forecast contour line 25 as shown on the map in Schedule 2;
- (f) “noise exposure forecast” means the system used by Transport Canada that provides for the summation of noise from aircraft operating at an airport based on actual or forecast aircraft movement by runways and the time of day or night the movement occurs;
- (g) “prohibited use” means a use that
- (i) is prohibited pursuant to Schedule 3 when it occurs on land to which that Schedule relates, or
 - (ii) is substantially similar, in the opinion of the subdivision authority or development authority, as

the case may be, of the relevant municipality, to a use referred to in subclause (i);

- (h) “Protection Area” means the Edmonton International Airport Vicinity Protection Area established under section 2.

Protection Area established

2(1) The lands described in Schedule 1 and shown on the map in Schedule 2 are hereby established as the Edmonton International Airport Vicinity Protection Area.

(2) If any discrepancy exists between the description of the lands in Schedule 1 and the location of the lands on the map in Schedule 2, the description in Schedule 1 prevails.

Subdivision approval and development permits relating to land in Protection Area

3(1) No subdivision or development of any kind may be undertaken on land in the Protection Area unless subdivision approval is given or a development permit is issued, as the case may be, by the municipality in which the land is located.

(2) A municipality that receives

- (a) an application for the subdivision of land in the Protection Area, or
- (b) an application for a development permit relating to land in the Protection Area

must, in addition to complying with Part 17 of the *Municipal Government Act*, comply with this Regulation.

(3) No subdivision approval may be given and no development permit may be issued by a municipality relating to land in the Protection Area if the proposed use of that land is a prohibited use.

(4) This section does not apply to a minor development of land in the Protection Area

- (a) that will not result in a change in the use of the land, or
- (b) that is exempt under any one of the authorities listed in section 1(c) from the requirement to obtain a development permit.

Continuation of validity of pre-existing approvals

4(1) If, before the coming into force of this Regulation, a municipality approved a subdivision or issued a development permit relating to land in the Protection Area and the use being made of the land or an improvement to the land immediately before the coming into force of this Regulation was a permitted or prohibited use, the approval of the subdivision or the development permit, as the case may be, continues to be valid after the coming into force of this Regulation.

(2) No extension, addition or enlargement may be made to an improvement that is prohibited under this Regulation except in accordance with subsection (3).

(3) The following improvements may be extended, added to or enlarged if the portion so extended, added to or enlarged complies with the acoustical requirements set out in the Alberta Building Code and is entirely located on a parcel of land that existed immediately before the coming into force of this Regulation:

- (a) an improvement used as an office and retail facility as defined in Schedule 3 regardless of where it is located in the Protection Area;
- (b) an improvement used for a residence or school that is located in a NEF Area of 35 or less.

(4) Where the use of an improvement continues to be valid after the coming into force of this Regulation under subsection (1) and the improvement is destroyed or demolished, the improvement may be replaced and may continue to be used for the prohibited use if the portion so replaced complies with the acoustical requirements set out in the Alberta Building Code.

(5) In this section and in section 5, “NEF Area of 35 or less” means an area of land located between noise exposure forecast contour lines 25 and 35 as shown on the map in Schedule 2.

Construction of prohibited residence

5(1) If, before the coming into force of this Regulation, a municipality approved a subdivision relating to land in the Protection Area in a NEF Area of 35 or less and the use being made of the land immediately before the coming into force of this Regulation was a residential or agricultural use, a residence may be constructed on each lot in that subdivision after the coming into force of this Regulation notwithstanding that the construction of the residence is a prohibited use.

(2) If, before the coming into force of this Regulation, an agreement for the provision of services has been entered into by a

municipality and an applicant for subdivision approval of land for residential purposes in the Protection Area in a NEF Area of 35 or less and the applicant has paid or agreed to pay for the provision of services, a residence may be constructed on each lot in that subdivision after the coming into force of this Regulation notwithstanding that the construction of the residence is a prohibited use.

(3) In this section, “services” means roads, pedestrian walkways and public utilities.

Acoustical requirements

6(1) All buildings constructed on land in the Protection area after this Regulation comes into force must comply with the acoustical requirements set out in the Alberta Building Code that are in force at the time the development permit relating to the building is issued.

(2) For the purpose of establishing the acoustic insulation factor under the Alberta Building Code, the NEF contour for a building shall be

- (a) the highest numbered contour for the NEF Area in which the building is located, or
- (b) if the building is located in 2 NEF areas, the highest numbered contour for the higher of the 2 numbered NEF Areas.

Commercial development requirements

7 All new commercial developments in the Protection Area after this Regulation comes into force must meet the requirements contained in Schedule 4.

Developments within Leduc County and Parkland County

8(1) Except for lands within the NEF 40+ Area, Leduc County may approve subdivisions and allow development for residential use in the Protection Area in accordance with its statutory plans and land use bylaws to a limit of not more than 4 dwellings per quarter section of land.

(2) For those lands within the NEF 30-35 Area outlined in Schedule 7 that are currently designated for country residential use and agricultural/nature conservation use under its land use bylaw, Parkland County may approve subdivisions and allow development in accordance with its statutory plans.

Duty of municipality

9(1) A municipality must notify the Airport Operator where a subdivision of land has been approved or a development permit has been issued relating to land in the Protection Area in a NEF Area of 30 or more and the use of the land will change as a result.

(2) Before adopting a statutory plan or land use bylaw, or an amendment of either, that relates to land in the Protection Area, a municipality must refer the statutory plan or land use bylaw, or the amendment, to the Airport Operator.

Amendment to Regulation

10(1) Only a municipality may apply to the Minister for an amendment to this Regulation.

(2) An application under subsection (1) must not be considered by the Minister unless the Minister is satisfied that reasonable consultation in respect of the proposed amendment has taken place with any affected municipality and landowners, the Airport Operator and the general public.

Repeal

11 The *Edmonton International Airport Vicinity Protection Area Regulation* (AR 63/81) is repealed.

Expiry

12 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on June 30, 2021.

AR 55/2006 s12;86/2016

Schedule 1**Legal Description of Lands in the Edmonton
International Airport Vicinity Protection Area**

In Township 49, Range 24, West of the 4th Meridian:

West half of section 2;
Northwest quarter and east half of section 3;
Northeast quarter of section 4;
Northeast quarter of section 8;
Section 9;
Southeast quarter and west half of section 10;

West half of section 15;
Sections 16 and 17;
Northwest quarter and east half of section 18;
Sections 19, 20 and 21;
Southwest quarter of section 28;
Sections 29, 30 and 31;
West half of section 32.

In Township 50, Range 24, West of the 4th Meridian:

Section 6;
Southwest quarter of section 7;
West half of section 31.

In Township 51, Range 24, West of the 4th Meridian:

Sections 5 and 6;
Northeast quarter and south half of section 7;
Section 8;
West half of section 9;
Southwest quarter of section 16;
South half of section 17.

In Township 49, Range 25, West of the 4th Meridian:

Northwest quarter of section 19;
North half of section 23;
Southeast quarter and north half of section 24;
Sections 25 and 26;
Southeast quarter and north half of section 27;
Southwest quarter and north half of section 30;
Section 31;
Southwest quarter and north half of section 32;
East half of section 33;
Sections 34, 35 and 36.

In Township 50, Range 25, West of the 4th Meridian:

Sections 1, 2, 3, 4 and 5;
East half of section 6;
Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
21, 22 and 23;
Southwest quarter and north half of section 24;
Sections 25, 26, 27, 28, 29, 30, 31, 32 and 33;
Northeast quarter and south half of section 34;
Sections 35 and 36.

In Township 51, Range 25, West of the 4th Meridian:

Northeast quarter and south half of section 1;
Southwest quarter of section 3;
Northwest quarter and south half of section 7;
Southwest quarter of section 8;
Sections 4, 5 and 6;

In Township 49, Range 26, West of the 4th Meridian:

North half of section 24;
East half of section 25.

In Township 50, Range 26, West of the 4th Meridian:

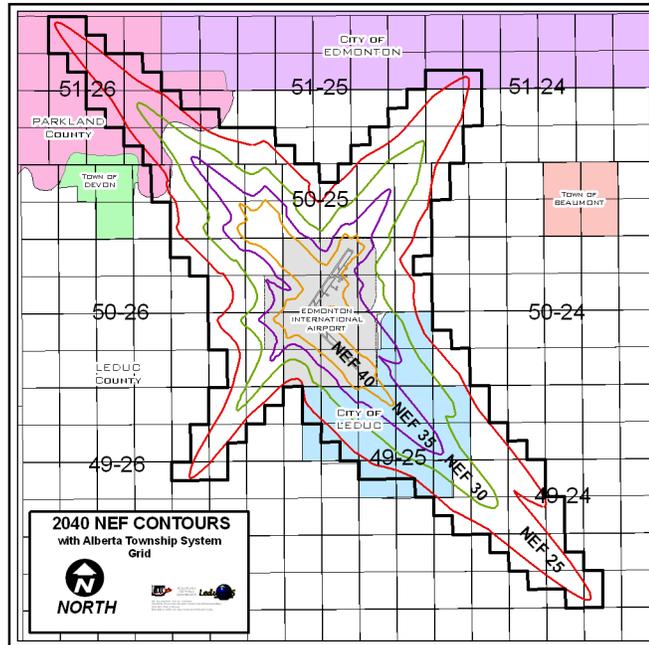
Southeast quarter and north half of section 24;
Section 25;
East half of section 35;
Section 36.

In Township 51, Range 26, West of the 4th Meridian:

Southeast quarter and north half of section 1;
Southeast quarter and north half of section 11;
Section 12;
Northwest quarter and south half of section 13;
Section 14;
Northeast quarter of section 15;
Section 22;
Southwest quarter of section 23.

Schedule 2

Map showing lands in the Edmonton International Airport Vicinity Protection Area



Schedule 3

Land Uses

Definitions

1 In this Schedule,

- (a) “clinic” means a facility
 - (i) for the provision of physical services or mental services, or both, to individuals on an outpatient basis, or
 - (ii) for the treatment of animals;
- (b) “land” means land located in the Protection Area;
- (c) “office and retail facility” means an office and retail facility where more than 10 people may assemble at one time;

- (d) “outdoor recreation facility” means a development providing a facility for sports and active recreation conducted outdoors where public viewing is incidental and includes a golf course, a driving range, skiing, a sports field, a swimming pool, a tennis court or a park;
- (e) “PR”, where it appears in the table opposite a particular land use, means that the land use is prohibited in that NEF Area;
- (f) “spectator entertainment facility” means a development specifically intended for public viewing such as an arts event, an exhibition, animals, vegetation or museum exhibit and includes, but is not limited to, a theatrical, musical or dance performance, the showing of motion pictures, the presentation of exhibits, animal acts or museums;
- (g) “spectator sport facility” means a development providing a facility intended for sports and athletic events primarily held for public viewing and includes, but is not limited to, a stadium, an arena, a swimming pool and an animal racing track but does not include an auto racing track.

Table of prohibited uses according to NEF Area

2(1) A land use shown in Column 1 of the following table is prohibited on land that is located in a NEF Area shown in Column 2, 3, 4 or 5 of the table if the expression “PR” appears in that column opposite that land use.

TABLE

Column 1	Col. 2	Col. 3	Col. 4	Col. 5
Land Uses	NEF 40+ Area	NEF 35-40 Area	NEF 30-35 Area	NEF 25-30 Area
Commercial Uses				
Billiards, Bowling and Arcades	PR	-	-	-
Cinemas	PR	-	-	-
Eating and Drinking Establishments	PR	-	-	-
Funeral Homes	PR	-	-	-
Gambling Facilities	PR	-	-	-
Hotels/Motels	PR	-	-	-
Office and Retail Facilities	PR	-	-	-
Private Clubs and Lodges	PR	-	-	-
Public and Semi-public Uses				
Churches	PR	PR	-	-

Day Care	PR	PR	-	-
Emergency Response Services	PR	-	-	-
Exhibition and Fairgrounds	PR	PR	-	-
Halls/Auditoriums	PR	PR	-	-
Hospitals	PR	PR	PR	-
Clinics	PR	-	-	-
Libraries	PR	PR	-	-
Nursing Homes	PR	PR	PR	-
Outdoor Recreation Facilities	PR	-	-	-
Schools	PR	PR	PR	-
Spectator Entertainment Facilities				
Outdoor	PR	PR	PR	-
Indoor	PR	PR	-	-
Spectator Sports Facilities				
Outdoor	PR	PR	PR	-
Indoor	PR	PR	-	-
Residential Uses				
Campgrounds	PR	PR	PR	PR
Residences	PR	PR	PR	-

(2) In the table,

- (a) “NEF 40+ Area” means an area of land located between noise exposure forecast contour line 40 as shown on the map in Schedule 2 and the runway;
- (b) “NEF 35-40 Area” means an area of land located between noise exposure forecast contour lines 35 and 40 as shown on the map in Schedule 2;
- (c) “NEF 30-35 Area” means an area of land located between noise exposure forecast contour lines 30 and 35 as shown on the map in Schedule 2;
- (d) “NEF 25-30 Area” means an area of land located between noise exposure forecast contour lines 25 and 30 as shown on the map in Schedule 2.

Adjustment of noise exposure forecast contour line

3(1) Where a parcel of land that is equal to or less than 0.2 hectares is located in more than one NEF Area, the noise exposure forecast contour line that runs through the parcel must be adjusted to follow the next appropriate natural or man-made boundary that is further away from the runway.

(2) Where

- (a) a noise exposure forecast contour line divides a parcel of land that is greater than 0.2 hectares into 2 areas, and

- (b) in one area a proposed use is a prohibited use and in the other area the proposed use is not a prohibited use,

the proposed use of the parcel may be carried out only in the area in which the proposed use is not a prohibited use.

Uses of land in City of Leduc

4(1) Despite anything to the contrary in this Regulation, in that part of the City of Leduc outlined in Schedule 5 as lying within the NEF 40+ Area, commercial developments are permitted only for the uses shown on that Schedule.

(2) Despite anything to the contrary in this Regulation, in that part of the City of Leduc outlined in Schedule 6, development for residential uses is permitted subject to the City of Leduc's statutory plans and land use bylaw to a limit of 650 residential units.

(3) Despite anything to the contrary in this Regulation, in that part of the City of Leduc described as the most easterly 201 metres in perpendicular width throughout the southeast quarter of section 25, township 49, range 25, west of the 4th meridian, containing approximately 16.2 hectares, development for campground uses is permitted subject to the City of Leduc's statutory plans and land use bylaw.

Schedule 4

Performance Based Approach Commercial Development

1 Despite anything to the contrary in this Regulation, a new commercial development in the Protection Area after this Regulation comes into force must,

- (a) in the case of a building, comply with the provisions of the Alberta Building Code, including, without limitation, incorporation of noise mitigation into construction, and
- (b) meet the additional requirements set out in Column 2 of the following table that is opposite the NEF Area in Column 1:

Table

Column 1	Column 2
NEF 40+ Area	Except for the area outlined in Schedule 5, a new commercial development that is not prohibited under Schedule 3 is permitted if the use entails a limited gathering of persons or a limited engagement of persons in work or activities located outdoors.
NEF 40+ Area outlined in Schedule 5	<p>A new commercial development is permitted if</p> <ul style="list-style-type: none"> <li data-bbox="781 747 1222 867">(a) the use entails a limited gathering of persons or a limited engagement of persons in work or activities located outdoors, and <li data-bbox="781 898 1243 1371">(b) in the case of a building, <ul style="list-style-type: none"> <li data-bbox="837 957 1243 1255">(i) an acoustic report prepared by a professional engineer specializing in acoustics containing a summary of analysis and recommendations related to building location, outdoor and indoor amenity location and post-construction monitoring and compliance testing is implemented, and <li data-bbox="837 1287 1198 1371">(ii) the development incorporates mechanical ventilation and central air conditioning.
NEF 35-40 Area	<p>A new commercial development is permitted if</p> <ul style="list-style-type: none"> <li data-bbox="781 1493 1227 1612">(a) the use entails a limited gathering of persons or a limited engagement of persons in work or activities located outdoors, and <li data-bbox="781 1644 1227 1782">(b) in the case of a building, <ul style="list-style-type: none"> <li data-bbox="837 1696 1227 1782">(i) an acoustic report prepared by a professional engineer specializing in acoustics

containing a summary of analysis and recommendations related to building location, outdoor and indoor amenity location and post-construction monitoring and compliance testing is implemented, and

- (ii) the development incorporates mechanical ventilation and central air conditioning.

NEF 30-35 Area A new commercial development that is a building is permitted if the development incorporates mechanical ventilation and central air conditioning.

NEF 25-30 Area A new commercial development that is a building is permitted if the development incorporates mechanical ventilation.

Schedule 5**City of Leduc 50th Street North
Commercial Area**

The commercial uses permitted on commercial lands outlined above as lying within the NEF 40+ Area are as follows:

- (a) auction rooms;
- (b) auto, truck and farm equipment sales and service establishments;
- (c) barber and ladies' hairdressing shops;
- (d) billiard halls or pool rooms;
- (e) bowling alleys;
- (f) car washing establishments;
- (g) dry cleaning and laundry establishments;
- (h) financial institutions;
- (i) moving and cartage firms;
- (j) office buildings;
- (k) parking areas;

Schedule 7

Parkland County NEF 30-35 Area





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