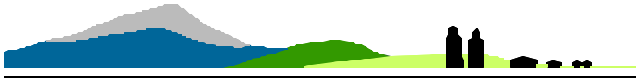
LITTLE BOW RIVER PROJECT INTERMUNICIPAL DEVELOPMENT PLAN

Vulcan County and Municipal District of Willow Creek



OLDMAN RIVER INTERMUNICIPAL SERVICE AGENCY

July 2002

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

BYLAW NO. 1396

BEING a bylaw of the Municipal District of Willow Creek No. 26 in the Province of Alberta, to adopt Bylaw No. 1396, being the Little Bow River Project Intermunicipal Development Plan.

WHEREAS the municipality has been requested to prepare and adopt an Intermunicipal Development Plan for the Little Bow River Project;

AND WHEREAS the municipal council wishes to adopt a comprehensive plan which governs land use adjacent to this water management project in consultation with Vulcan County;

AND WHEREAS the purpose of proposed Bylaw No. 1396 is to adopt a land use plan which would govern the future subdivision and development of lands within the plan boundaries while still accommodating agricultural pursuits within this identified area;

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Statutes of Alberta, 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. Council shall adopt an intermunicipal development plan in consultation with Vulcan County.

2. This plan, upon adoption, shall be known as the Little Bow River Project Intermunicipal Development Plan.

3. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this 15th day of May, 2002.

Reeve *– Evan Berger* ***Municipal Administrator*** *- Cindy Vizzutti*

READ a **second** time this 17th day of July, 2002.

Reeve *– Evan Berger* ***Municipal Administrator*** *- Cindy Vizzutti*

READ a **third** time and finally PASSED this 17th day of July, 2002.

Reeve *– Evan Berger* ***Municipal Administrator*** *- Cindy Vizzutti*

VULCAN COUNTY

Vulcan – Alberta

BYLAW NO. 2002-007

BEING a bylaw of Vulcan County, in the Province of Alberta, to adopt the Little Bow River Project Intermunicipal Development Plan.

Pursuant to the authority conferred upon Vulcan County Council by Section 631 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, and any amendments thereto, whereby two or more councils may adopt an intermunicipal plan in accordance with Sections 230, 606 and 692;

WHEREAS the municipality has been requested to prepare and adopt an Intermunicipal Development Plan for the Little Bow River Project;

AND WHEREAS the municipal council wishes to adopt a comprehensive plan which governs land use adjacent to this water management project in consultation with the Municipal District of Willow Creek No. 26;

AND WHEREAS the purpose of this bylaw is to adopt a land use plan which would govern the future subdivision and development of lands within the plan boundaries while still accommodating agricultural pursuits within this identified area;

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing;

NOW THEREFORE the Council of Vulcan County, in the Province of Alberta, duly assembled, enacts as follows:

1. THAT Vulcan County shall adopt an intermunicipal development plan in consultation with the Municipal District of Willow Creek No. 26.
2. THAT this plan, upon adoption, shall be known as the Little Bow River Project Intermunicipal Development Plan.
3. THAT this bylaw shall come into effect upon third and final reading thereof.

READ A FIRST TIME on this 19th day of June, 2002.

Reeve – *R. Wayne Davey* ***County Administrator*** - *Robert Strauss*

READ A SECOND TIME on this 17th day of July, 2002.

Reeve – *R. Wayne Davey* ***County Administrator*** - *Robert Strauss*

READ A THIRD TIME and finally passed on this 17th day of July, 2002.

Reeve – *R. Wayne Davey* ***County Administrator*** - *Robert Strauss*

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LITTLE BOW RIVER PROJECT
INTERMUNICIPAL DEVELOPMENT PLAN

Vulcan County and Municipal District of Willow Creek

PART 1: INTRODUCTION

1.1 Background

As part of the approval for a water management system on the Little Bow River, a reservoir will be created behind a dam that is currently under construction. This water body presents an opportunity to take advantage of the development potential of adjacent lands for agriculture and other uses. A Natural Resources Conservation Board (NRCB) order requires the reservoir to be a multi-use project and that an area structure plan be prepared for an area surrounding the development. This intermunicipal development plan (IMDP) will establish the framework for municipal decision making in the area defined in Map 1.

1.2 The Project

The announcement to proceed with Little Bow Project/Highwood Diversion Plan in the Little Bow River Basin at the 7B1 site marked the culmination of many years of research, investigation and public involvement. The goal of the project is to minimize water supply problems related to large variations in both annual and seasonal flows in the Highwood and Little Bow Rivers. The project will affect both the Highwood and Little Bow River Basins as the two have been physically linked for over a century. For further discussion of the project, please refer to the report *Background Report to the Area Structure Plan (May 2001)* prepared by the Oldman River Intermunicipal Service Agency or other materials provided by Alberta Environment. Generally the project includes:

- enlarging the capacity of the Little Bow diversion canal from 2.8 m^3/s (100 cfs) to 8.5 m^3/s (300 cfs),
- building a 10 km (6 mile) canal from Mosquito Creek to Clear Lake,
- constructing a dam on the Little Bow River creating a 50,000 acre feet reservoir, and
- altering the operation of diversions through Woman's Coulee Diversion and the Little Bow Canal.

1.3 Legislative Requirements

According to section 631(1) of the Municipal Government Act, Statutes of Alberta, 1994, Chapter M-26.1 (MGA), as amended, an intermunicipal development plan must include the following:

> *(b) must include*
>
> *(i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,*
>
> *(ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and*
>
> *(iii) provisions relating to the administration of the plan.*
>
> 1995 c24 s95

In addition to the requirements of the MGA, approval of the project by the NRCB are binding including condition No. 23 as it relates to land use planning and requires that the operator (Alberta Infrastructure) will:

> *. . . as part of its final planning and design phase, prepare an Area Structure Plan for the lands in the immediate vicinity of the Little Bow Reservoir. The Operator shall complete this plan and request amendments to the local land use by-laws from the MD of Willow Creek and Vulcan County prior to commencement of reservoir operations. Matters to be considered should include the following:*
>
> - *the basic road system adjacent to the reservoir and standards to safely and efficiently service the existing and future land uses adjacent to the reservoir;*
> - *the use of fragmented parcels that would result from the project;*
> - *the need for day use areas, boat launching areas, view points, the aboriginal culture interpretive area, and other similar features which may arise in the preparation of the area structure plan;*
> - *preservation and exhibition of areas of historical and archaeological interest, including the twin hearth tepee ring, in cooperation with Alberta Community Development, Treaty 7 aboriginal people, and other interested parties;*
> - *habitat compensation lands adjacent to the reservoir and the need for environmental reserve lands that might be set aside;*
> - *recreation and country residential development;*
> - *mitigation of the conflicts that may arise between the new land-uses and the existing agricultural community including air and water pollution or other conflicts for the lands in the vicinity of the reservoir that are to remain under agricultural land uses; and*
> - *any extra or special administrative infrastructure that may be required and other normal items that need to be considered in an area structure plan of this nature.*

1.4 Site Characteristics

Land within the boundary of the MDP is located along the Little Bow River, which forms the municipal boundary between Vulcan County and the Municipal District of Willow Creek. The area consists mainly of land devoted to dry land agriculture with some cattle grazing. According to the Canada Land Inventory for the area, the majority of the land is classified as Class 2, 3 and 4. Soils in these classes are characterized by moderate limitations that restrict productivity to severe limitations that restrict the range of crops or require special conservation practices. The main limiting factors to agricultural productivity are regional topography and lack of precipitation.

1.5 Intermunicipal Development Plan Approval Process

Since the proposed Little Bow River Reservoir site straddles the boundary between the Municipal District of Willow Creek and Vulcan County, both municipalities have jurisdiction over land use activities on the shoreline of the reservoir contained in their municipal boundary. As there is no provision or requirement by the MGA that authorizes the adoption of an intermunicipal area structure plan by two adjacent municipalities, this is an intermunicipal development plan in accordance with section 631 of the MGA. The goal will be to produce two documents with the same objectives, guidelines, and policy applicability but final implementation would require the councils of each municipality to adopt the plan by bylaw.

1.6 Land Use

The area surrounding the Little Bow River site is principally used for agricultural activities with dryland farming being the most prevalent.

Table 1
Little Bow Project Study Area
Existing Land Use
(November 2000)

Land Use	Number
Farmstead	39
Ancillary Farm Residence	4
Farm Building	14
Abandoned Farmstead	7
Commercial Enterprise	1
Hutterite Colony	1
Intensive Livestock – Cattle	2
Intensive Livestock – Hogs	1
Mining and Extractive Industries	3
Natural Gas	9
Miscellaneous – 7B1 Site Office	1
Total	**82**

1.7 Background Report

A report entitled, *Little Bow Land Use Strategy Background Report to the Area Structure Plan* was prepared and may be referred to for additional information on the site.

LITTLE BOW RIVER DAM

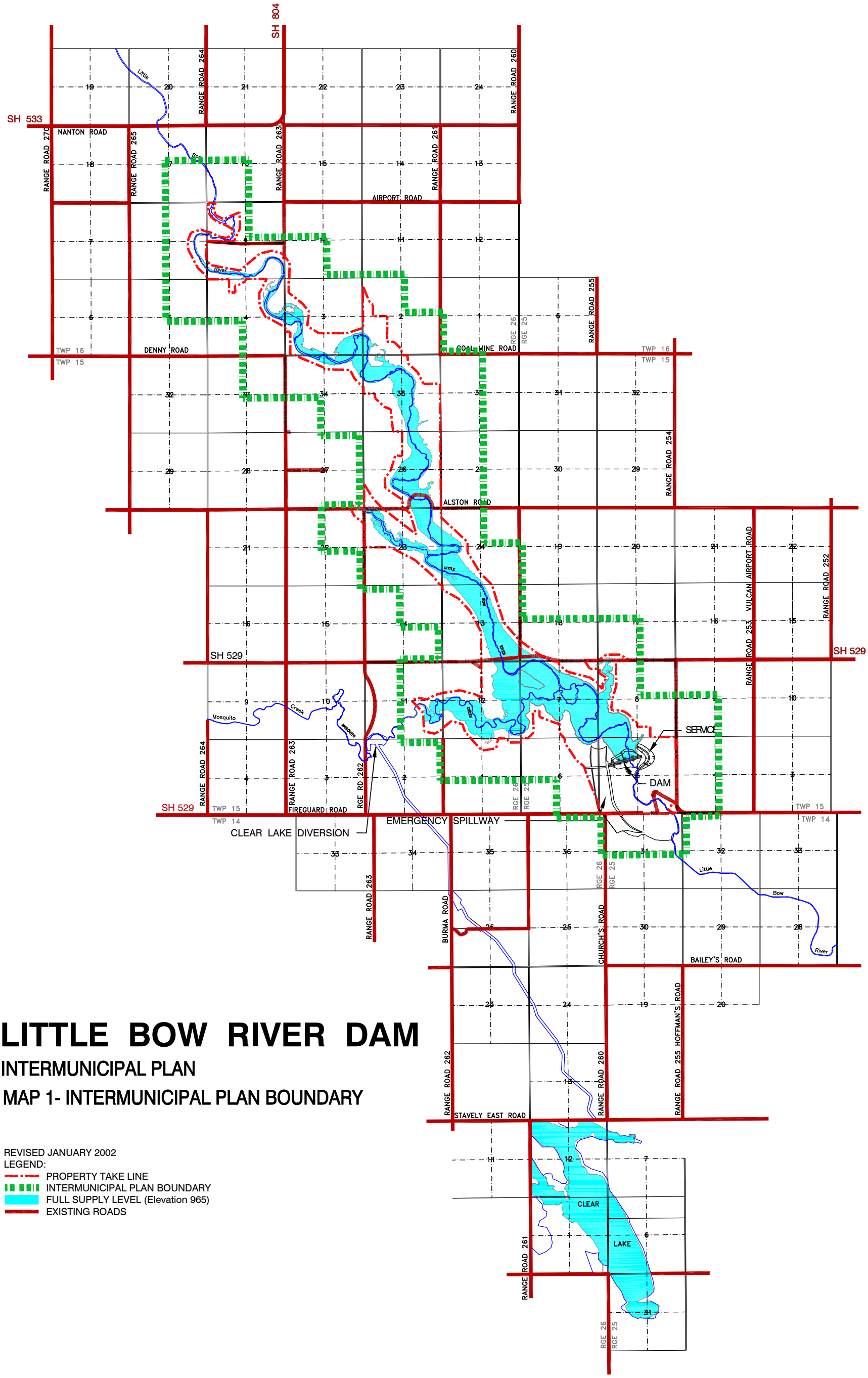
INTERMUNICIPAL PLAN

MAP 1- INTERMUNICIPAL PLAN BOUNDARY

REVISED JANUARY 2002

LEGEND:

- PROPERTY TAKE LINE
- INTERMUNICIPAL PLAN BOUNDARY
- FULL SUPPLY LEVEL (Elevation 965)
- EXISTING ROADS



OLDMAN RIVER INTERMUNICIPAL SERVICE AGENCY

0 Kms 1 2 3 4

0 Miles 0.5 1 1.5 2 2.5

N

BASE MAPPING SUPPLIED BY:
ALBERTA INFRASTRUCTURE
2nd FLOOR, TWIN ATRIA BUILDING
4999– 98 AVENUE
EDMONTON, ALBERTA T6H 5V7

MAP PREPARED BY:
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TEL. 329–1344 T1J 0P4
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February 14, 2002
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Little Bow River Dam IMDP 2002.dwg

PART 2: PURPOSE OF THE PLAN

2.1 Goals and Objectives of the Intermunicipal Development Plan

Construction of the water management facility and reservoir in this location presents each municipality with opportunities and challenges; those regarding land use are addressed in this plan. Overall, the goals of this plan are:

- to coordinate the standards for subdivision and development of land within the intermunicipal development plan boundary between the two local approval authorities of Vulcan County and the Municipal District of Willow Creek,
- to encourage a high level of quality in subdivision and development,
- to minimize the impact of the non-agricultural uses proposed in the plan on the predominantly agricultural surrounding land,
- to ensure the water management priorities of the project are unaffected by any development and subdivision,
- satisfy the requirements of the NRCB.

Accomplishing these overall goals will be done by:

- clarifying the role of each local decision authority,
- providing a similar process for approvals for each municipality,
- outlining the same general standards for use by each municipality,
- providing a process for coordinated amendment procedure,
- establishing a link to the other government departments operating the project allowing for an input to subdivision and development applications and any amendments,
- ensuring a communication system is in place between the municipalities to allow for the settlement of issues that may arise,
- organizing the roadway system to provide a safe, efficient system for reservoir uses and other rural road uses.

2.2 Jurisdiction of the Intermunicipal Development Plan

Areas of land within two municipalities are included in the project. The intermunicipal development plans adopted by each council will be identical but leave the responsibility for implementing the plan with each jurisdiction.

The land being incorporated into this plan does not border the water itself; rather, it bounds an area of Crown land purchased as part of the reservoir. Uses that propose to make use of the water will have to receive approval from the province.

A plan will also be prepared for these public lands by the province and in future will be available for public input and municipal comment. When adopted, some amendment may be required in this intermunicipal development plan to ensure conformity.

2.3 Public Input

The adoption of this plan required at least one formal public hearing, however, will also have had several other opportunities for the public and stakeholders to respond and discuss the issues of the plan.

During the preparation of the plan the following more formal opportunities were afforded for input:

- open house sessions in Nanton and Champion January 2001 which included a questionnaire,
- telephone survey June 2001,
- open house September 2001.

Reports on those sessions are available from the Oldman River Intermunicipal Service Agency (ORISA) office.

In addition to the above information has been discussed at several public advisory committee meetings.

PART 3: ISSUES AND OPPORTUNITIES

3.1 Identified Issues

Previously prepared background information identified six main issues that this plan should address:

- Policies in the intermunicipal development plan must conform to the requirements outlined in Condition 23 of the NRCB approval.
- It will be necessary to balance the multi-use purpose of the reservoir with other land use and operational issues.
- It is necessary to establish the intermunicipal development plan boundary with input from both the public and the Steering Committee.
- Differences exist between Vulcan County's and the Municipal District of Willow Creek's municipal development plans in terms of their position and approach to development.
- The need exists to provide an open and ongoing public process.
- The development of the Little Bow Project creates the challenge of how best to take advantage of the opportunity created by this development.

3.2 Addressing the Issues

The above broad statement of issues are addressed in more detail in policy statements related to:

- general land use issues,
- use of agricultural lands,
- criteria for the development of country residential developments,
- consideration for commercial opportunities,
- recreational opportunities,
- policies regarding industrial uses,
- roadway policies,
- habitat compensation lands,
- procedures for amendment of land use bylaws,
- procedures for intermunicipal and intergovernmental cooperation.

3.3 Opportunities

There is an opportunity to create another water-based recreation and residential area for southwestern Alberta using the new reservoir. This plan will be adopted early in the dam construction process, allowing for non-agricultural development to take place when the project is complete. Development will be done without compromising either agricultural pursuits or the functions and operations of the dam and reservoir.

PART 4: INTERMUNICIPAL DEVELOPMENT PLAN POLICIES

4.1 General Land Use Policies

4.1.1 In each municipality the lands within the intermunicipal development plan boundary will be designated the existing "Reservoir Vicinity" in the respective land use bylaws (see Appendices 1 and 2).

4.1.2 Applications for proposed uses that are neither permitted nor discretionary, or are prohibited uses in the Reservoir Vicinity district will require redesignation prior to any decisions on a subdivision or development application.

4.1.3 In all cases, applications for redesignation or subdivision will require more detailed area structure plans to be submitted and approved.

4.1.4 The subdivision and/or development of lands within the plan boundaries shall not adversely affect the reservoir infrastructure and operation, any existing agricultural uses, nor any historical or archaeological resources in the immediate area.

4.1.5 Decision authorities in each municipality will consider applications on their own merits based on the criteria proposed in this intermunicipal development plan, other municipal bylaws, provincial regulations and, as such, the sequence of any development proposed within the intermunicipal development plan boundaries has not been specified.

4.1.6 The process for redesignation is provided in Part 5, Amendment and Reclassification.

4.1.7 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 Municipal Government Act.

4.1.8 All the terms of the Water Act will be considered when a proposed subdivision proposes to use water from an unlicensed source.

4.2 Agricultural Land

4.2.1 The subdivision of agricultural land for extensive or intensive agricultural use, public use or single lot country residential use within the "Reservoir Vicinity – RV" land use district will be governed by the policies of each municipality's land use bylaw and municipal development plan in regards to the allowed minimum parcel sizes and number of parcels per quarter section that may be subdivided (see Appendices 3 and 4).

4.2.2 For the purpose of commenting to the Natural Resources Conservation Board when they consider applications for confined feeding operations, the area of the intermunicipal development plan should be restricted for the location of new confined feeding operations.

4.3.3 Extensive agriculture will continue to be the primary use of land in the intermunicipal development plan area and non-agricultural uses will be allowed only in such cases where they will not interfere with extensive agricultural uses.

4.3 Country Residential Use Policies

4.3.1 An isolated country residential parcel may be created if:

- the residual parcel is no less than 150 acres,
- the proposed site contains a habitable dwelling,
- the isolated country residential parcel is no less than 3 acres and no greater than 5 acres in size or the area required to encompass the improvements on the site,
- any area required in an adopted area structure plan.

4.3.2 A grouped country residential subdivision may be approved if:

- the development is serviced by a communal water and sanitary sewer system,
- land is not subdivided as fee simple lots but as a bareland condominium,
- the land is designated in the land use bylaw as a land use district that allows for grouped country residential uses.

4.3.3 No subdivision or development for country residential use shall adversely affect the integrity of this water management project.

4.3.4 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.

4.3.5 The resubdivision of any existing country residential subdivision shall not be recommended for approval.

4.3.6 Only one single family dwelling shall be permitted on each lot. Guest houses may be considered but should not be self-contained dwellings.

4.3.7 Developers are encouraged to make their subdivisions bareland condominium proposals, reducing the long-term commitments of the municipalities.

4.4 Rural Industrial

4.4.1 Isolated rural industrial uses shall be prohibited in the "Reservoir Vicinity" land use district.

4.4.2 Proposed grouped rural industrial subdivision or development shall be encouraged to locate in other areas of the municipal district or in nearby urban centres.

4.5 Commercial / Private Recreation

4.5.1 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.

4.5.2 No subdivision or development for a commercial or recreational use shall adversely affect the integrity of the reservoir.

4.5.3 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 Environment.

4.5.4 Private recreation uses including campgrounds may be considered for approval if other policies of this plan and the applicable land use bylaw can be met.

4.6 Crown Lands

4.6.1 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.

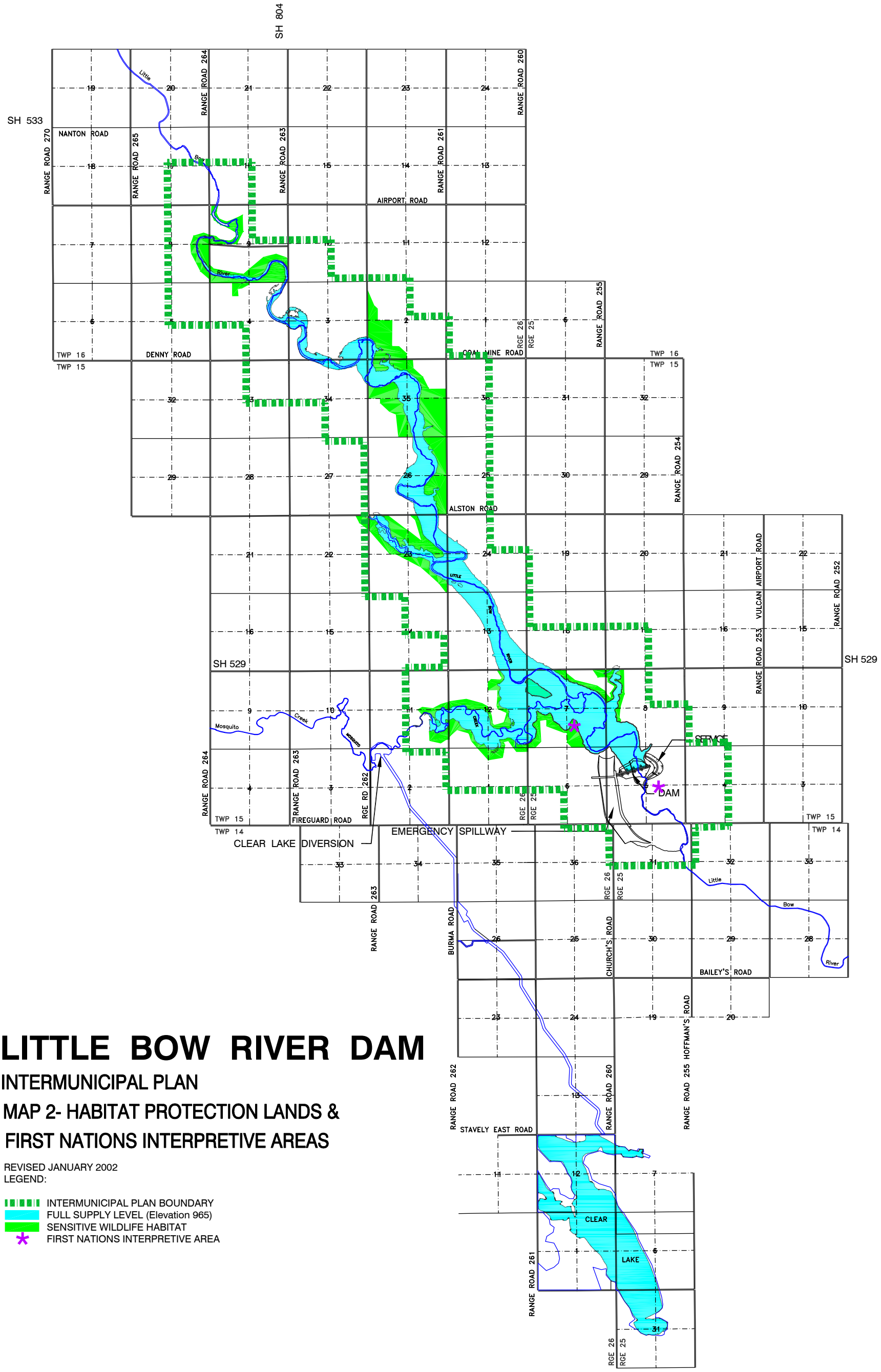
4.6.2 Applications for approvals made to the Province for uses on Crown lands should be circulated to each municipality and adjacent land owners for comment.

4.6.3 Any development on Crown lands should be compatible with adjacent private lands to minimize land use conflicts.

4.6.4 Prior to the disposition on Crown lands, the appropriate government department is encouraged to inform the Municipal District of Willow Creek No. 26 and Vulcan County of the said disposition.

4.6.5 Habitat protection lands are shown on Map 2 and are on Crown lands. Applications adjacent to these lands will be circulated to provincial departments and be evaluated to determine potential effects.

4.6.6 Sites for aboriginal and archaeological interpretation features will be on Crown lands shown on Map 2 and applications adjacent to these areas will be circulated to provincial departments and be evaluated to determine effects.



LITTLE BOW RIVER DAM

INTERMUNICIPAL PLAN

MAP 2- HABITAT PROTECTION LANDS & FIRST NATIONS INTERPRETIVE AREAS

REVISED JANUARY 2002

LEGEND:

- INTERMUNICIPAL PLAN BOUNDARY
- FULL SUPPLY LEVEL (Elevation 965)
- SENSITIVE WILDLIFE HABITAT
- * FIRST NATIONS INTERPRETIVE AREA

OLDMAN RIVER INTERMUNICIPAL SERVICE AGENCY

0 Kms 1 2 3 4

0 Miles 0.5 1 1.5 2 2.5

N

BASE MAPPING SUPPLIED BY:
ALBERTA INFRASTRUCTURE
2nd FLOOR, TWIN ATRIA BUILDING
4999– 98 AVENUE
EDMONTON, ALBERTA T6H 5V7

MAP PREPARED BY:
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#B1, 905–4th AVENUE SOUTH LETHBRIDGE, ALBERTA
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NOT RESPONSIBLE FOR ERRORS OR OMMISSIONS

April 30, 2002
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Little Bow River Dam IMDP 2002.dwg

PART 5: REDESIGNATION PROCEDURE

The formal redesignation process is outlined in the Municipal Government Act, however, because there are many stakeholders in this area, it is important to outline a procedure that goes beyond the requirements of the Act.

Although the land in the intermunicipal development plan is designated "Reservoir Vicinity", the district is restrictive and most non-agricultural uses will require a redesignation prior to approval.

5.1 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.

5.2 When making an application to redesignate land within the plan boundaries to "Country Residential", "Rural Recreational" or "Rural Industrial", the applicant shall submit a written request to council asking for an amendment to the land use bylaw to redesignate the appropriate lands.

5.3 At the regular council meeting, the municipal council shall review the Municipal Planning Commission recommendations and acknowledge the request for redesignation. The council shall request and circulate all pertinent information to referral agencies for comments pertaining to the specific proposal.

5.4 Upon the request of council, the applicant shall submit relevant data including, if appropriate:

(a) 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 Environment;

(e) near-surface water table test information within seven feet of the ground surface;

(f) any other information required by council.

5.5 Prior to land use redesignation, all pertinent information shall be circulated to appropriate government departments and agencies for their comments. Unless specifically excluded by the council, such comments shall be solicited from:

- Oldman River Intermunicipal Service Agency
- Adjacent municipalities
- Telus
- TransAlta Utilities or UtiliCorp
- Little Bow Gas Co-op
- Bow River Gas Co-op
- Sunshine Gas Co-op
- Bow River Irrigation District
- Headwaters Regional Health Authority
- Palliser or Livingston Range School Authority
- Alberta Agriculture, Food and Rural Development
- Alberta Community Development
- Alberta Environment
- Alberta Energy and Utilities Board
- Alberta Transportation

5.6 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.

5.7 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 Environment.

5.8 In considering applications for reclassification to "Country Residential", "Rural Recreational" or "Rural Industrial" council may also consider the following:

(a) operational characteristics of the reservoir,

(b) the safe and efficient use of nearby highways or secondary roads,

(c) future resource development,

(d) access to or development of existing or potential recreation amenities,

(e) the effects to surrounding agricultural operations,

(f) critical wildlife habitats and environmentally significant areas,

(g) provision of utilities,

(h) areas prone to flooding or groundwater inundation,

(i) water supply and sewage disposal,

(j) areas of historical or archaeological significance,

(k) the potential erosion of soil,

(l) the deterioration of water quality,

(m) the detrimental effect on the irrigation functions of the reservoirs,

(n) any other requirements the municipality considers necessary.

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

5.10 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 municipality and assume all costs and responsibilities as established with the said agreement.

5.11 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 633, 606, 230 and 692 of the Municipal Government Act.

PART 6: TRANSPORTATION

As a main objective of this intermunicipal development plan, the provision of a safe and efficient road network around the reservoirs is essential to provide access to existing and future development and to assure public and private access to the reservoirs.

Roads within the area covered by this plan have been grouped into three categories based on their physical condition and role as transportation routes (see Map 3). The purpose is to recognize the hierarchy of the roads in the plan boundaries and to develop policies which will continue to ensure the safe and efficient flow of traffic through the area. This hierarchy consists of:

- paved primary highways,
- unpaved primary highways,
- improved and unimproved municipal roads.

6.1 Transportation Policies

6.1.1 Map 3 indicates the transportation pattern that will exist in the intermunicipal development plan area.

6.1.2 Highway 529 is a primary provincial highway and approvals will be subject to the terms of the Subdivision and Development Regulation.

6.1.3 Each municipality should consult with the other municipality prior to undertaking any major road upgrade projects.

6.1.4 Any approvals in the intermunicipal development plan area should use internal road systems in order to limit the number of approaches onto the road network.

LITTLE BOW RIVER DAM

INTERMUNICIPAL PLAN

MAP 3 - TRANSPORTATION NETWORK

REVISED JANUARY 2002

LEGEND:

- PROPERTY TAKE LINE
- FULL SUPPLY LEVEL (Elevation 965)
- EXISTING ROADS
- PROPOSED NEW ROAD

OLDMAN RIVER INTERMUNICIPAL SERVICE AGENCY

0 Kms 1 2 3 4

0 Miles 0.5 1 1.5 2 2.5

N

BASE MAPPING SUPPLIED BY:
ALBERTA INFRASTRUCTURE
2nd FLOOR, TWIN ATRIA BUILDING
4999– 98 AVENUE
EDMONTON, ALBERTA T6H 5V7

MAP PREPARED BY:
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#B1, 905–4th AVENUE SOUTH LETHBRIDGE, ALBERTA
TEL. 329–1344 T1J 0P4
NOT RESPONSIBLE FOR ERRORS OR OMMISSIONS

February 14, 2002
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Little Bow River Dam IMDP 2002.dwg

PART 7: INTERMUNICIPAL DEVELOPMENT PLAN IMPLEMENTATION

Although this plan is an intermunicipal development plan, there is an attempt to coordinate two municipalities and the subdivision and development policies, which will require a system of communication for successful implementation of the plan.

7.1 Intermunicipal Development Plan Administrative Committee

7.1.1 An administrative committee will be established by the participating municipalities.

7.1.2 The administrative committee will consist of two elected members of council from each municipality. Since the number of members is even, the committee will be required to seek consensus on the items it discusses.

7.1.3 Meetings of the administrative committee will be normally called when required to make decisions on the following:

- concerns regarding policies of the plan,
- amendments to the plan,
- complaints from the public regarding plan policies,
- disagreement on the implementation of plan policies,
- land use concerns that the plan has not addressed.

In general, the committee is intended to promote cooperation and resolve potential conflicts.

7.1.4 In the interest of avoiding delays in approvals, the development officer for the participating municipalities may make comments on development applications circulated. If the development officer in the responding municipality determines it necessary, then the application may be forwarded to council of the Municipal Planning Commission for comment.

7.1.5 Staff of each municipality should meet once a year to review the operation of the plan.

7.2 Dispute Settlement

In the case of a dispute, the following process will be followed to arrive at a solution:

Step 1 It is important to avoid any dispute by ensuring the plan is adhered to as adopted, including full circulation of any permit or application that may affect a municipality and prompt enforcement of the policies of the plan and land use bylaw.

Step 2 Should either municipality identify an issue related to this plan that may result in a more serious dispute, that municipality should approach the chair of the intermunicipal plan committee to call a meeting of the committee to discuss the issue.

Step 3 Prior to the meeting of the committee, each municipality through its administration must ensure the facts of the issue have been investigated and clarified. Staff meetings may occur as this point to discuss possible solutions.

Step 4 The committee should discuss the issue with the intent to seek a solution by consensus.

Step 5 Should the intermunicipal plan committee be unable to arrive at a consensus, then either municipality will contact the appropriate chief administrative officer to arrange a joint meeting of the two councils who will discuss possible solutions.

Step 6 Should the councils be unable to reach a solution, either municipality may contact Alberta Municipal Affairs to commence a mediation process under the department's guidance.

Step 7 In the case of a dispute regarding:

- a statutory plan or amendment, or
- a land use bylaw or amendment,

a dispute under section 690(1) of the Municipal Government Act may be initiated.

7.3 Plan Validity and Amendment

7.3.1 This intermunicipal development plan bylaw is valid until, by mutual consent of participating municipalities, the bylaw adopting the plan may be totally or partly revoked.

7.3.2 Variance to the policies of this plan may be made by an approval authority if:

- in the opinion of the approval authority the variance is minor and the use of land is prescribed in the land use bylaw,
- the comments of the council of the appropriate municipality are received and considered,
- comments from other agencies are received and considered,
- the variance complies with other statutory plans and bylaws.

Each council may be considered to be an affected person and may appeal a development decision.

7.3.3 An amendment to the plan may be commenced by:

- a recommendation from the Intermunicipal Development Plan Committee,
- either municipal council,
- a recommendation from an approval authority,
- members of the public using the fee structure for statutory plan amendments in the applicable municipality by filing a request in writing. The person may be invited to the Intermunicipal Development Plan Committee meeting considering the amendment proposed.

7.3.4 Amendments to the intermunicipal development plan will be adopted in accordance with the process outlined in the Municipal Government Act and this plan.

7.3.5 The two municipalities must adopt the identical amending bylaws for amending the intermunicipal development plan.

APPENDIX 1

Vulcan County
Reservoir Vicinity Land Use District

Excerpt from Land Use Bylaw No. 99-013

RESERVOIR VICINITY – RV

PURPOSE: *To allow agricultural and non-agricultural uses to meet increasing pressures for development, without compromising the irrigation function of the reservoir.*

1. PERMITTED USES

Accessory buildings
Additions to permitted uses
Double-wide mobile homes
Extensive agriculture
Farm buildings other than buildings or structures for intensive agricultural operations
Manufactured homes
Moved-in dwellings
Package homes
Single family dwellings
Single-wide mobile homes

DISCRETIONARY USES

Apiaries (if over 24 hives)
Commercial greenhouses
Fertilizer storage
Group camps
Kennels
Nurseries and tree farms
Public and private utilities
Public and institutional uses
Public park or recreation uses
Resource extraction and associated uses
Sod farms
Stripping and sale of topsoil

2. MINIMUM LOT SIZE

A minimum lot size of 1858 m^2 (20,000 sq. ft.) is recommended for permitted or discretionary uses. This may be varied by the Municipal Planning Commission to reasonably accommodate the proposed use.

3. MAXIMUM LOT COVERAGE

At the discretion of the designated officer or Municipal Planning Commission.

4. STANDARDS OF DEVELOPMENT – See Schedule 4.

5. ACCESS – See Schedule 4, (B-1).

6. MINIMUM SETBACK FROM PUBLIC ROADS – See Schedule 4, (B-4).

7. RESOURCE EXTRACTION – See Schedule 4, (B-5).

8. AREA STRUCTURE PLAN – See Schedule 4, (C-8).

9. SIGNAGE – See Schedule 4, (C-10).

10. LANDSCAPING AND SCREENING – See Schedule 4, (C-11).

11. INTENSIVE LIVESTOCK OPERATIONS – See Schedule 6.

12. MOVED-IN BUILDINGS – See Schedule 7.

APPENDIX 2

Municipal District of Willow Creek
Reservoir Vicinity Land Use District

Excerpt from Land Use Bylaw No. 1250

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
Home occupations - minor
Primary farm residences
Residential additions

(b) **Discretionary Uses**

Bed and Breakfast accommodation
Food processing
Food service/catering
Garden suite
Home occupations - major
Intensive horticulture
Isolated single lot country residential
Kennels
Mobile homes
Modular/manufactured homes
Public and institutional
Public and private utilities
Residential additions within the Minimum Distance Separation
Resource extraction and ancillary works
Rural industrial
Sand and gravel pits
Secondary and/or subsequent residences
Signs
Similar uses
Single lot commercial
Veterinary clinics

(c) **Prohibited Uses**

Grouped country residential
Grouped rural industrial
Intensive livestock operations
Manure spreading
Noxious industry
Single undeveloped country residential parcels

2. PARCEL AND LOT SIZES

Parcel and lot sizes for all the permitted and discretionary uses listed above are:

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

(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

(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 Environment, 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.

APPENDIX 3

Vulcan County
Subdivision Criteria

Schedule 6 of Vulcan County
Land Use Bylaw No. 99-013

Schedule 6

SUBDIVISION CRITERIA

A. GENERAL

1. Proposed subdivisions must have legal and physical access including to the residual parcel and shall not affect any irrigation system or natural watercourse.

2. Subdivision applications shall be circulated to the agencies and government departments specified in the Subdivision and Development Regulation and those persons referred to in section 653 of the Municipal Government Act and the comments received shall be considered by the Municipal Planning Commission.

3. If six or more lots will result within one quarter section, a certified report shall be prepared in accordance with the "Report Requirements under Section 23 of the Water Act for Subdivision Development" as produced by Alberta Environment, September 1999 before the area is redesignated. The costs of fulfilling these requirements will be borne by the applicant and the results shall be forwarded to the Regional Director for the Water Act for interpretation, evaluation and comment. At its sole discretion, the municipality may charge additional fees to ensure that any certified report is referred to the appropriate authorities for evaluation and interpretation pursuant to section 61 of the Municipal Government Act.

B. EXTENSIVE AGRICULTURAL USES

1. Number of parcels eligible to be subdivided from a quarter section may include:

   (a) a developed farmstead from a quarter section with a flexible maximum parcel size based on the improvements;

   (b) or a vacant farmstead from a quarter section to a maximum of 1.2 ha (3 acres) in size;

   (c) as well, a parcel of land that is physically severed from the quarter section by way of a registered roadway, rail line, irrigation canal or naturally occurring waterway.

2. Residual parcel size after subdivision to be flexible based on the proposal for subdivision.

3. In the case of a subdivision of a farmstead or for a proposed farmstead, the following should be considered:

   (a) the proposed lot, in the Municipal Planning Commission's opinion, would not inhibit public access to or otherwise have a detrimental impact on the recreational use capability of a river valley, waterbody, public park or special scenic area;

   (b) the proposed lot, in the Municipal Planning Commission's opinion, would not unduly jeopardize the orderly and economic expansion of an urban municipality;

   (c) the proposed lot can be serviced to the county's satisfaction in accordance with Headwaters Health Authority and Provincial Plumbing recommendations; and

   (d) the proposed lot, in the Municipal Planning Commission's opinion, contains a buildable and serviceable site,

C. INTENSIVE LIVESTOCK OPERATIONS

1. The minimum parcel size of a subdivision for an intensive livestock operation shall be 25 percent of the acreage required to dispose of the manure generated by the operation in accordance with the Code of Practice or any applicable provincial legislation.

2. The operation must meet the requirements of Schedule 5 and operate within the terms of the Code of Practice or any applicable provincial legislation.

D. INTENSIVE HORTICULTURAL USES

1. A subdivision for an intensive horticulture use may be treated as an agricultural use and may be permitted as one of the allowable subdivisions from a quarter section.

E. GROUPED COUNTRY RESIDENTIAL USES

1. The minimum lot size shall be 0.4 ha (1 acre) for each country residence. This minimum lot size may be reduced if a communal sewer system is to be installed.

2. No development should be allowed on a parcel that is not large enough to support any on-site water supply and sewage disposal systems to the standard required by the Subdivision and Development Regulation.

3. Every development shall be required to install sewage disposal systems which have been approved by the authority having jurisdiction.

4. The municipality shall require the establishment of communal wells in grouped country residential areas where there is a demonstrated need.

5. If the density or design of a grouped country residential subdivision has increased above what was proposed at the reclassification stage, the Municipal Planning Commission may require the preparation of an area structure plan which may or may not be adopted by council.

6. An area structure plan prepared for a grouped country residential subdivision should address the following:

   (a) future expansion strategies of neighbouring urban municipalities, e.g. Milo, Lomond;

   (b) the safe and efficient use of nearby highways or secondary roads;

   (c) future resource development;

   (d) access to or development of existing or potential recreation amenities;

   (e) surrounding agricultural operations;

   (f) critical wildlife habitats;

   (g) the visual aesthetics 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) areas prone to flooding or groundwater inundation;

   (j) water supply, sewage disposal and storm water management;

   (k) areas of historical or archaeological significance;

(l) the potential erosion of soil;

(m) the potential deterioration of water quality;

(n) the detrimental effect on existing or proposed recreation areas;

(o) the detrimental effect on adjoining or nearby agricultural operations;

(p) the detrimental effect on the irrigation functions of the reservoirs;

(q) maximum parcel size of 1.2 ha (3 acres); and

(r) any other matter the Municipal Planning Commission considers necessary.

F. RURAL INDUSTRIAL/COMMERCIAL USES

The Municipal Planning Commission should consider the following when determining if a proposed subdivision for an isolated or grouped industrial or commercial subdivision in a non-urban area be recommended for approval if the proposed parcel has been reclassified to "Rural Commercial" or "Rural Industrial":

1. If the density or design for a rural industrial or commercial subdivision has intensified above what was proposed when the property was reclassified, the Municipal Planning Commission may require the preparation of an area structure plan that may or may not be adopted by council to address the following:

   (a) the safe and efficient use of nearby highways, secondary roads or municipal roads;

   (b) water supply, sewage disposal, waste storage facilities and waste disposal;

   (c) provision of a storm water management plan to ensure no run-off water can directly enter any waterbody, watercourse, groundwater, irrigation system or public roadway ditch.

2. The subdivision of land for any rural industrial or commercial use(s) considered by the Municipal Planning Commission to be detrimental to public health, safety and welfare (i.e. noxious, hazardous, unsightly, offensive) should not be allowed:

   (a) within 1.6 km (1 mile) of:

      (i) the Town of Vulcan;

      (ii) the Villages of Champion, Carmangay, Milo, Arrowwood and Lomond;

      (iii) the Hamlets of Brant, Ensign, Herronton, Kirkcaldy, Mossleigh, Queenstown, Shouldice and Travers;

      (iv) any provincial, regional or municipal park or recreation area;

      (v) an existing or approved rural residence; and

      (vi) an existing or approved livestock confinement operation/facility;

   (b) within 152.4 m (500 ft.) of either side of a primary or 900 series highway designated scenic, tourist or recreational access road as established in a Vulcan County bylaw;

   (c) within such distance of other roads as established by Vulcan County bylaws; and

   (d) adjacent toan environmentally sensitive area, critical wildlife habitat, regionally significant area or a waterbody.

3. The above restriction may be either increased or decreased by the Municipal Planning Commission where:

   (a) it is satisfied that adequate measures and high operational standards will be undertaken and maintained to minimize any nuisance, hazard or noxious impact on the environment, nearby communities, residences, farming operations, parks and recreation areas;

   (b) it has solicited and considered the comments of any nearby urban municipality and affected land owners in the vicinity;

   (c) it is satisfied that the use is primary, suitable, serviceable and will be developed as proposed; and

   (d) access, including access to any residual agricultural parcel, is satisfactory to Alberta Transportation in the case of a primary highway or Vulcan County in the case of municipal roads.

G. PUBLIC AND INSTITUTIONAL USES

1. A subdivision application for public and 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 an urban or rural area;

   (b) if the use was functioning, the application should encompass the developed site only;

   (c) the legal and physical access, including access to the residual agricultural lot, satisfies Alberta Transportation, in the case of a primary highway or Vulcan County in the case of municipal roads; and

   (d) the Municipal Planning Commission is satisfied that the use is primary, suitable, serviceable and will be developed as proposed.

2. The conversion of small parcels established for public and 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.

H. RURAL/URBAN FRINGE USES

1. All subdivision applications within 1.6 km (1 mile) of the Town of Vulcan and the Villages of Carmangay, Champion, Lomond, Milo and Arrowwood will be referred to those communities for comment.

2. Wherever possible, agricultural lands within the fringe shall be protected and conserved for agricultural use until they are needed for urban expansion.

I. HAMLET USES

1. Council should continue to use the present hamlet designations in the land use bylaw through which further subdivision is regulated by hamlet land use districts and standards.

2. The hamlet boundaries established on the land use bylaw maps should not be extended unless it is impossible or impractical for necessary further development to occur through infilling.

J. RECREATIONAL USES

1. Subdivision adjacent to existing or potential water-based recreation areas and other recreational assets may be approved where, in the opinion of the Municipal Planning Commission, negative impacts would not occur.

2. The subdivision of public recreational uses should be allowed only after the area has been reclassified from the "Rural General" or "Reservoir Vicinity" land use districts to "Rural Recreational" and the proposal has been circulated for comments to appropriate provincial government departments and affected agencies.

3. If the density or design of a recreational subdivision is intensified above that which was proposed when the property was reclassified, the Municipal Planning Commission may require the preparation of an area structure plan that may or may not be adopted by council to include the following:

   (a) future expansion strategies of neighbouring urban municipalities, e.g. Milo, Lomond;

   (b) the safe and efficient use of nearby highways or secondary roads;

   (c) future resource development;

   (d) access to or development of existing or potential recreation amenities;

   (e) surrounding agricultural operations;

   (f) critical wildlife habitats;

   (g) the visual aesthetics 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) areas prone to flooding or groundwater inundation;

   (j) communal water supply, and sewage disposal and storm water management;

   (k) areas of historical or archaeological significance;

   (l) the potential erosion of soil;

   (m) the potential deterioration of water quality;

   (n) the detrimental effect on existing or proposed recreation areas;

   (o) the detrimental effect on adjoining or nearby agricultural operations;

   (p) the detrimental effect on the irrigation functions of the reservoirs; and

   (q) any other matter the Municipal Planning Commission considers necessary.

4. A recreational subdivision with a country residential component shall be applied for as a bareland condominium with a maximum parcel size of 0.2 ha (0.5 acre).

5. Upon the approval of a subdivision application the applicant would, as a condition of approval, be required to enter into a development agreement with Vulcan County and assume all costs and responsibilities as established by the said agreement.

K. AIRPORT VICINITY LAND USE

1. Development controls in the vicinity of the Vulcan airport and private, unlicensed airstrips should be exercised where considered necessary by the Municipal Planning Commission. The emphasis is not to over-restrict these private strips, but to direct them to areas where they will not conflict with other uses.

APPENDIX 4

Municipal District of Willow Creek Subdivision Criteria

Excerpt from The Municipal District of Willow Creek Land Use Bylaw No. 1250 Rural General Land Use District

Excerpts from the Municipal District of Willow Creek Land Use Bylaw – Rural General Land Use District

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;

(ii) 160 acres (64.8 ha) or an unsubdivided quarter section.

(b) **Farmsteads**

(i) existing parcels;

(ii) minimum of 1 acre (0.4 ha);

(iii) maximum of 5 acres (2.0 ha);

(iv) a maximum of 10 acres (4.0 ha) on cut-off parcels.

(c) **Horticultural Uses, Intensive Livestock Operations**

(i) existing parcels;

(ii) minimum 5 acres (2.0 ha);

(iii) a maximum of 10 acres (4.0 ha) on cut-off parcels;

(iv) a maximum of 15 acres (6.0 ha) from previously unsubdivided quarter section.

(d) **Single Lot Commercial and Single Lot Rural or Noxious Industry**

(i) existing parcels;

(ii) minimum 1 acre (0.4 ha);

(iii) a maximum of 10 acres (4.0 ha) on cut-off parcels;

(iv) a maximum of 5 acres (2.0 ha) on all other lands.

(e) **Single Lot Country Residential**

Developed residences located on:

(i) existing parcels;

(ii) a minimum of 1 acre (0.4 ha);

(iii) a maximum of 3 acres (1.2 ha), with up to 3 additional acres if, in the opinion of the Municipal Planning Commission, same is required for access, of lands located on better agricultural land from a previously unsubdivided quarter section.

(f) **All Other Uses**

Parcel and lot sizes for all other land uses shall be determined by the Municipal Planning Commission after consideration of comments from relevant agencies and in accordance with, but not limited to, the Municipal Government Act, the Provincial Land Use Policies, the Subdivision and Development Regulation, and Land Use Bylaw, the Municipal Development Plan and any other applicable legislation or regulations.

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. FARMSTEAD LAND USES

The site of a farmstead or primary farm residence may be approved to create a separate parcel provided that:

(a) the area of the proposed lot shall be a minimum of 1 acre (0.4 ha) and in general shall be as small as possible in order to conserve agricultural land, but in any instance, no greater than:

  (i) a maximum of 5 acres (2.0 ha); or

  (ii) a maximum of 10 acres (4.0 ha) on cut-off parcels;

(b) the area of the proposed lot shall be further limited by the location and extent of physical characteristics and vegetation and such other lands as is required for physical access to the proposed lot;

(c) the proposed lot on which the farmstead is located and the proposed residual lot both have direct legal or physical access to a public roadway;

(d) the access is satisfactory to Alberta Transportation where the access is onto or within 1,000 feet (304.8 m) of a primary highway, and the access is satisfactory to the Municipal Planning Commission in the case of other public roadways;

(e) the size and location of the proposed lot will not significantly affect any irrigation system in the area;

(f) any residual lot created is at least 145 acres (58.7 ha) in area.

7. EXISTING PARCELS

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;

(b) the proposal is to rectify or rationalize existing habitational, occupancy, cultivation or settlement patterns;

(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;

(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.

8. HORTICULTURAL USES AND INTENSIVE AGRICULTURAL OPERATIONS

8.1 The site of a horticultural use may be approved for development, expansion, or for the creation of a separate parcel provided that:

(a) the area of the proposed parcel shall be a minimum of 5 acres (2.0 ha) and in any instances no greater than:

(i) a maximum of 10 acres (4.0 ha) on cut-off parcels; or

(ii) a maximum of 15 acres (6.0 ha) from a previously unsubdivided quarter section;

(b) any residual lot created is at least 135 acres (54.6 ha) in area;

(c) in the opinion of the Municipal Planning Commission:

(i) the proposed location is suitable for and will be developed for the proposed use within a period of one year;

(ii) the proposed use or operation will be developed in such a manner that no run-off water can directly enter any waterbody, watercourse, groundwater, irrigation system, or public roadway ditch;

(iii) there will be adequate provision for waste treatment, temporary waste storage facilities and arrangements for waste disposal on the operator's own land or any other land, in accordance with standards set by the appropriate provincial departments; and

(iv) the proposed use otherwise complies with the any other regulations relating to such uses and any other legislation made in addition, or in substitution, to them.

12. SINGLE LOT COUNTRY RESIDENTIAL LAND USES

The site of a single developed residence [see definition] may be recommended for approval to create a separate parcel from an unsubdivided quarter section provided that:

(a) the area of the proposed lot shall be a minimum of 1 acre (0.4 ha) and in general shall be as small as possible in order to conserve agricultural land, but in any instance, no greater than:

(i) a maximum of 3 acres (1.2 ha); or

(ii) a maximum of 10 acres (4.0 ha) on cut-off parcels;

(b) the area of the proposed lot shall be further limited by the location and extent of physical characteristics and vegetation and such other lands as is required for physical access to the proposed lot;

(c) the proposed single residential lot is, in the opinion of the Municipal Planning Commission, suitable for the proposed use;

(d) the proposed single residential lot is or can be serviced to the satisfaction of the Municipal Planning Commission;

(e) the proposed lot on which the country residence is located and the proposed residual lot both have direct legal or physical access to a public roadway;

(f) the access is satisfactory to Alberta Transportation where the access is onto or within 1,000 feet (304.8 m) of a primary highway, and the access is satisfactory to the Municipal Planning Commission in the case of other public roadways;

(g) the size and location of the proposed lot will not significantly affect any irrigation system in the area;

(h) the residence located on the proposed single residential lot is at least ½mile (0.8 km) from an abattoir, surface mining operation, noxious or hazardous industry or other activity potentially detrimental to a residential environment, or such a distance as may be required by the Municipal Planning Commission unless the proposal is to remove the first parcel containing a developed residence from a previously unsubdivided quarter section;

(i) the existing 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 the capability for recreational use of a river valley, waterbody, forest reserve, public park, environmentally sensitive area, regionally significant area, or special scenic location;

(j) any residual lot created is at least 147 acres (59.5 ha) in area;

(k) the residence on the proposed lot meets or exceeds the raw Minimum Distance Separation (MDS) requirement from an existing intensive livestock operation, as it appears in the most recent edition of the Code of Practice.