COUNTY OF NEWELL & VILLAGE OF DUCHESS

Intermunicipal Development Plan

Bylaw No. 1780-13 & Bylaw No. 455-13

February 2014



Prepared by
Oldman River Regional Services Commission

ACKNOWLEDGEMENTS

The following people are thanked for their assistance and contribution to the development and publishing of this Intermunicipal Development Plan:

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COUNTY OF NEWELL
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1780-13

BEING a bylaw of the County of Newell in the Province of Alberta, to adopt Bylaw No. 1780-13, being the County of Newell and Village of Duchess Intermunicipal Development Plan.

WHEREAS the municipality has been encouraged by the province to create and adopt an Intermunicipal Development Plan on land use in the fringe areas of urban areas and to work co-operatively in order to pursue joint approaches to common planning issues;

AND WHEREAS the municipal council wishes to adopt a comprehensive plan which encourages the orderly and economical development of land use in the designated fringe area in consultation with the Village of Duchess;

AND WHEREAS the purpose of proposed Bylaw No. 1780-13 is to adopt a statutory land use plan that provides a framework and guidelines for dealing with future subdivision and development of lands within the designated intermunicipal plan boundary and promotes the ongoing cooperation, consultation, and coordination the County of Newell and the Village of Duchess have established;

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, Revised Statutes of Alberta 2000, Chapter M-26 as amended, the Council of the County of Newell in the Province of Alberta duly assembled does hereby enact the following:

1. Council shall adopt an intermunicipal development plan in consultation with the Village of Duchess.
2. This plan, upon adoption, shall be known as the County of Newell & Village of Duchess Intermunicipal Development Plan Bylaw No. 1780-13.
3. This bylaw comes into effect upon third and final reading hereof.

READ a **first** time this 7th day of November, 2013.

***Reeve** – Molly Douglass*

***Chief Administrative Officer** – Kevin Stephenson*

READ a **second** time this 5th day of December, 2013.

***Reeve Reeve** – Molly Douglass*

***Chief Administrative Officer** – Kevin Stephenson*

READ a **third** time and finally PASSED this 6th day of February, 2014.

***Reeve** – Molly Douglass*

***Chief Administrative Officer** – Kevin Stephenson*

VILLAGE OF DUCHESS
IN THE PROVINCE OF ALBERTA

BYLAW NO. 455-13

BEING a bylaw of the Village of Duchess in the Province of Alberta, to adopt Bylaw No. 455-13, being the County of Newell and Village of Duchess Intermunicipal Development Plan.

WHEREAS the municipality has been encouraged by the province to create and adopt an Intermunicipal Development Plan on land use in the fringe areas of urban areas and to work co-operatively in order to pursue joint approaches to common planning issues;

AND WHEREAS the municipal councils for the County of Newell and the Village of Duchess wish to adopt a comprehensive plan which encourages the orderly and economical development of land uses and work together on a coordinated approach to land development within the designated fringe area of the Village of Duchess;

AND WHEREAS the purpose of proposed Bylaw No. 455-13 is to adopt a statutory land use plan that provides a framework and guidelines for dealing with future subdivision and development of lands within the designated intermunicipal plan boundary and promotes the ongoing cooperation, consultation, and coordination the County of Newell and the Village of Duchess have established;

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, Revised Statutes of Alberta 2000, Chapter M-26 as amended, the Council of the Village of Duchess in the Province of Alberta duly assembled does hereby enact the following:

1. Council shall adopt an intermunicipal development plan in consultation with the County of Newell No. 4.

2. This plan, upon adoption, shall be known as the County of Newell & Village of Duchess Intermunicipal Development Plan Bylaw No. 455-13.

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

READ a **first** time this 19 th day of Nov, 2013.

Bruce Snape.
Mayor*– *Bruce Snape

Chief Administrative Officer – *Yvonne Cosh*

READ a **second** time this 20 th day of Jan, ~~2013~~ 2014 AD.

Bruce Snape.
Mayor – *Bruce Snape*

Chief Administrative Officer – *Yvonne Cosh*

READ a **third** time and finally PASSED this 20 th day of Jan, ~~2013.~~ 2014 yc

Bruce Snape

Mayor – *Bruce Snape*

Chief Administrative Officer – *Yvonne Cosh*

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PART A: INTRODUCTION

The County of Newell and Village of Duchess have experienced growth over the past several years. As both municipalities are closely related in terms of economic and social connections, it seems logical for them to coordinate land use as well. An Intermunicipal Development Plan recognizes that the fringe area of an urban municipality is subject to different problems and opportunities than that of a strictly urban or rural setting.

It has become increasingly clear that municipalities cannot make fringe area land use decisions in isolation. Therefore, municipalities are encouraged to undertake the preparation of an Intermunicipal Development Plan in order to help avoid future land use conflicts. By implementing a plan that contains both dispute mechanisms and guidelines for future uses, urban and rural municipalities can reach an agreement on fringe area issues and avoid a confrontational atmosphere, which has occurred in other jurisdictions.

1.0 Purpose

The purpose of the Intermunicipal Development Plan (also known as the IMDP or the Plan) is to address planning issues on lands bordering both municipalities. The Plan addresses the coordination of future land use and development in this area, and serves as a means of information exchange and communication between the County and the Village. The larger intent of this Plan, in accordance with the Municipal Government Act (MGA), is to prescribe policy to apply to future land use and development, and any other matter relating to the physical, social or economic development of the area that the councils of the County and the Village agree on and deem necessary, especially in regards to minimizing land use conflicts.



Municipalities are encouraged to work together to adopt IMDPs to:

- promote consultation, coordination and cooperation regarding planning matters of joint interest within a defined planning area;

- provide a framework for addressing land use concerns with regard to joint planning matters;
- establish procedure for dealing with development proposals within a defined planning area; and
- address any other matters relating to development considered necessary within a joint planning area.

An IMDP is a planning tool that can provide numerous benefits to those participating municipalities, which may include, but are not limited to the following:

- municipal cost-savings, as a result of infrastructure and service sharing, which also provides residents with a higher quality of life;
- reinforcing and protecting both municipalities' development philosophies and goals while mitigating the potential for future intermunicipal conflict; and
- ensuring development for both municipalities occurs in an orderly, economic, efficient and harmonious manner that is sustainable by considering existing development conditions and future municipal goals.

The Plan contains policy that applies to lands in both the rural-urban fringe and within the Village (adjacent to the corporate boundary) that is intended to be used as a framework for working cooperatively, communicating and making decisions in each municipality. Each municipality is ultimately responsible for making decisions within their municipal jurisdiction using the policies and procedures as provided for in this Plan.

2.0 Legislative Requirements

In order to foster cooperation and mitigate conflict between municipalities, the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 with amendments (MGA)* has included two mechanisms within the planning legislation which allows a municipality to:

1. include policies regarding coordination of land use, future growth patterns and other infrastructure with adjacent municipalities in their municipal development plans [section 632(3)(iii)] if no intermunicipal development plan exists with respect to those matters;
2. complete and adopt an intermunicipal development plan with adjacent municipalities to address the above matters.

Specifically, the MGA states:

> ***631(1)*** *Two or more councils may, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.*
>
> ***(2)*** *An intermunicipal development plan*
>
> *(a) may provide for*
>
> *(i) the future land use within the area,*
>
> *(ii) the manner of and the proposals for future development in the area, and*
>
> *(iii) any other matter relating to the physical, social or economic development of the area that the councils consider necessary,*
>
> *and*
>
> *(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.*

In addition to the MGA, Provincial Land Use Policies are in place to assist municipalities in harmonizing provincial and municipal policy initiatives at the local level. Every municipality in the province is expected to incorporate these policies into its planning decisions, practices and statutory documents as a requirement of the MGA, section 622(3):

> ***622(3)*** *Every statutory plan, land use bylaw and action undertaken pursuant to this Part by a municipality, municipal planning commission, subdivision authority, development authority or subdivision and development appeal board or the Municipal Government Board must be consistent with the land use policies.*

The Provincial Land Use Policies are divided into sections that relate to different municipal planning responsibilities. Section 3 contains policies that relate to a municipality's general approach to planning and its interaction with its residents, neighbouring municipalities, provincial and federal agencies and other jurisdictions:

3.0 Planning Cooperation

Goal

To foster cooperation and coordination between neighbouring municipalities and between municipalities and provincial departments and other jurisdictions in addressing planning issues and in implementing plans and strategies.

Policies

3.1 Municipalities are encouraged to expand intermunicipal planning efforts to address common planning issues, especially where valued natural features are of interest to more than one municipality and where the possible effect of development transcends municipal boundaries.

3.2 In particular, adjoining municipalities are encouraged to cooperate in the planning of future land uses in the vicinity of their adjoining municipal boundaries (fringe areas) respecting the interests of both municipalities and in a manner which does not inhibit or preclude appropriate long term use nor unduly interfere with the continuation of existing issues. Adjoining municipalities are encouraged to jointly prepare and adopt intermunicipal development plans for critical fringe areas; these plans may involve lands which are in both of the adjoining municipalities.

The above excerpts from the Provincial Land Use Policies are relevant to intermunicipal cooperation as they support a cooperative approach to land use planning between neighbouring municipalities. On April 27, 2009 the provincial government released Bill 36, the *Alberta Land Stewardship Act,* which is the provincial legislation to begin legal foundation and implementation of the provincial land use policies. This will have a bearing on future intermunicipal cooperation and potential amendments will likely need to be incorporated into the Plan by the municipalities.

3.0 Plan Preparation Process

The County and the Village engaged the Oldman River Regional Services Commission (ORRSC) to prepare an Intermunicipal Development Plan (IMDP) for the two municipalities. The formation of the Plan was to be guided by a Project Steering Committee (to act as the Intermunicipal Development Plan Committee) as established by the respective municipalities. The Project Steering Committee was composed of three council members from the County and three council members from the Village. Senior administration from both municipalities were also involved with the Project Steering Committee throughout the process, however, their role was limited to that of technical advisors only. With respect to committee decision making, both parties agreed at the outset of the process that their chosen decision making model would be based on reaching consensus on the issues discussed.

Subsequent to the establishment of a general process, a background and study area analysis was undertaken which served as the foundation from which both municipalities could review the existing land use conditions and determine the relevant issues, goals, objectives, and implementation for the Intermunicipal Development Plan. The background review provided an analysis of the existing circumstances, attempted to identify issues and opportunities that have emerged from the analysis of the preliminary information, and acted as an agenda for discussions by the Project Steering Committee. Prior to identifying areas of issue and areas of commonality with the committee, planners from the ORRSC met with each municipality privately to clarify their municipal perspectives on general issues.

Once each municipality's perspectives for the referenced topics were identified, those perspectives were brought back to the Project Steering Committee for their review and agreement, which resulted in the generation of draft ideas/concepts. The project purpose, process, ideas and concepts were then reviewed with affected landowners, stakeholders and the general public at an Open House meeting. Upon review of any and all comments by the Project Steering Committee, a draft document was prepared, complete with policies and maps. Subsequent to the Project Steering Committee and each municipal Council's review of the draft, a refined document was then prepared and submitted for the Committee's final approval. Upon the Project Steering Committee giving its final approval, the final draft document was forwarded to each council for first reading (in the form of a municipal bylaw).



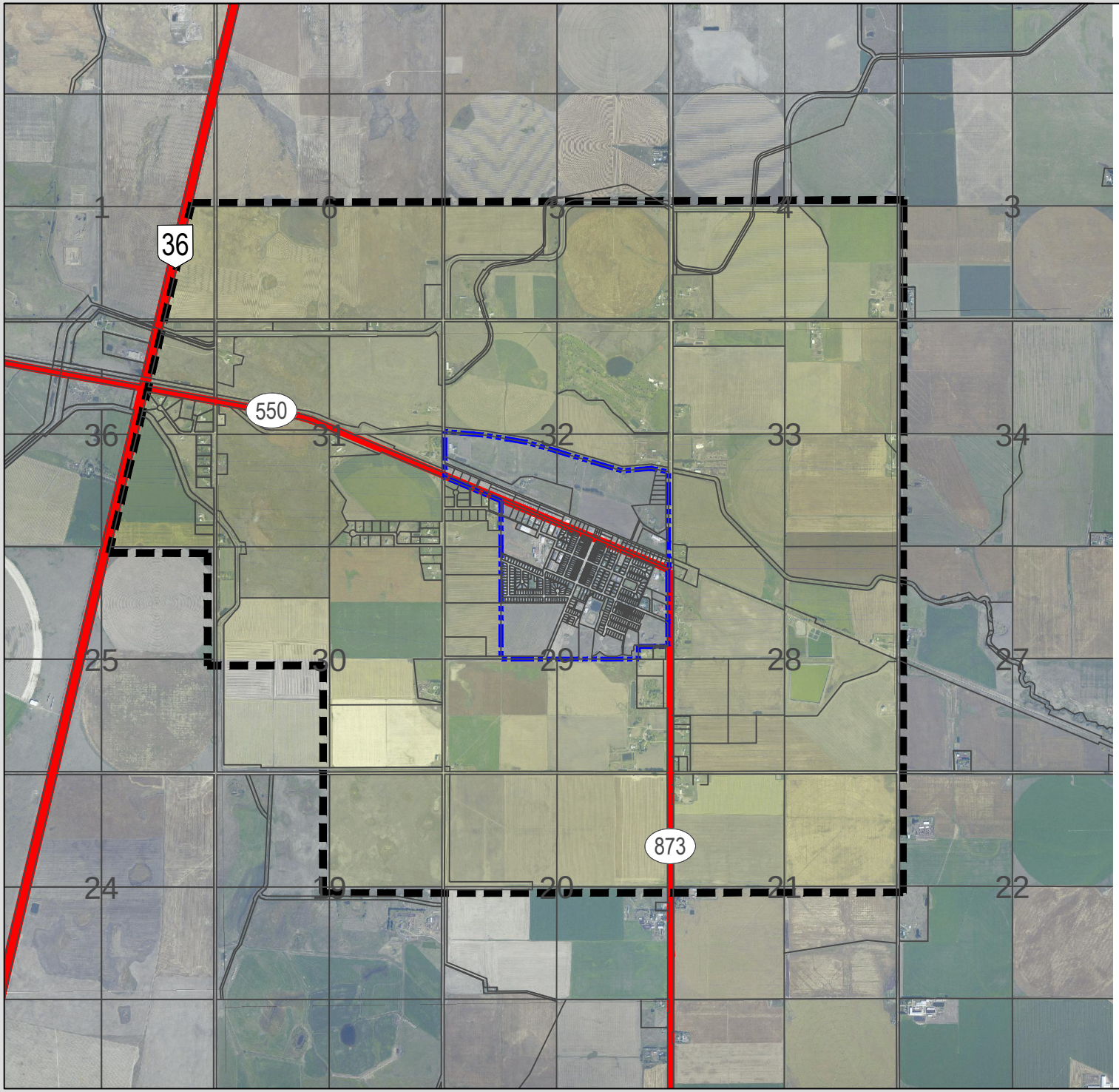
As with all statutory planning documents, a mandatory public hearing (as required by the Municipal Government Act) was held subsequent to first reading and at the discretion of each council, subsequent to the mandatory public hearing(s) the document was then adopted by each municipality under separate municipal bylaws.

Plan Area

The Intermunicipal Development Plan area (also referred to as the IMDP area or Plan area) consists of approximately 5,539.53 acres (2,241.77 ha) and is illustrated in Map 1. From the perspective of both municipalities, maintaining the integrity of the Intermunicipal Plan area is critical to the preservation of not only their individual long-term interests, but the long-term interests of the community at large in this localized region. This Plan is based on collectively looking at mutually beneficial opportunities, creating a shared vision for future growth and mutual recognition and agreement on a long-term strategy for the planning and development of areas of land (deemed suitable) for each municipality.

The primary purpose of the IMDP boundary is to act as a referral mechanism to ensure dialogue and information is shared between the two municipalities regarding development within the Plan area. It should be noted that some of the lands contained within the Plan area are already zoned, subdivided or developed for non-agricultural uses. It is understood that existing uses within the Plan area are permitted and may continue operations. However, the expansion or intensification of existing uses shall be required to meet the policies of this Plan, any other relevant statutory planning document and the applicable Land Use Bylaw.





IMDP BOUNDARY

LEGEND

VILLAGE OF DUCHESS

IMDP BOUNDARY

MAP 1

INTERMUNICIPAL DEVELOPMENT PLAN
COUNTY OF NEWELL (BYLAW NO. 1780-13) &
VILLAGE OF DUCHESS (BYLAW NO. 455-13)

OLDMAN RIVER REGIONAL SERVICES COMMISSION

February 26, 2014
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County of Newell & Village of Duchess IMDP.dwg

PART B: PLAN ADMINISTRATION & IMPLEMENTATION

1.0 Plan Validity and Amendment

Intent

It is recognized that this Plan may require an amendment from time to time to accommodate an unforeseen situation or to keep the Plan up to date and relevant. This Plan will not contain a "sunset" clause, but rather, a method of continuous updating as required.

Policies

1.1 This Plan comes into effect on the date it is adopted by both the Village of Duchess and County of Newell. It remains in effect until either council rescinds the Plan by bylaw after giving six months notice, or by mutual agreement.

1.2 Recognizing that this plan may require an amendment from time to time to accommodate an unforeseen situation, such an amendment must be adopted by both councils using the procedures established in the Municipal Government Act.

1.3 Third party applications for an amendment to this plan shall be made to either municipality and be accompanied by the appropriate fees to each municipality.

1.4 The Intermunicipal Development Plan Committee shall initiate a full-scale review of the Plan in 10 years from the date of adoption and report to the respective councils on the success of the Plan and the need for revision. This does not preclude periodic revision of portions of the Plan, as outlined in 1.2 above, that are of mutual concern.

2.0 Intermunicipal Development Plan Committee

Intent

This plan is intended to be an ongoing process to ensure the Plan is maintained and remains applicable. A representative committee will ensure continued cooperation.

Policies

2.1 An Intermunicipal Development Plan Committee shall be established and shall be an advisory committee consisting of two members from each council. At least one member of the Village's and the County's administrative staff should attend all meetings of the Committee.

2.2 The Village and the County agree that the main functions of the Committee are:

(a) to address concerns regarding the policies of the Plan;

(b) to address proposed amendments to the Plan;

(c) to address changes to land use districts or other land use amendments affecting the lands in the Plan;

(d) to address issues in relation to implementation of plan policies, comments related to subdivision and/or development proposals;

(e) to engage in resolving any conflicts or disputes which arise from this plan — both municipalities will share costs associated with using outside assistance to resolve a dispute.

(f) any other land use issues deemed appropriate not explicitly identified in the Plan.

2.3 Meetings of the Committee shall be held at least annually or at the request of either municipality.

2.4 If a matter has been referred to the Committee for comment, the Committee shall issue written comments as soon as possible. Both councils agree that the Committee shall issue its comments in the form of recommendations.

2.5 A matter may be brought before the Committee by the administrative staff of either the Village or the County, or by any other person.

2.6 Where a matter involving the two municipalities cannot be resolved to the satisfaction of the Committee, the Committee is authorized to initiate the conflict resolution system in this plan, Section 4.0 Dispute Settlement as follows.

3.0 Referrals

Intent

Land use issues are addressed at five main points in the approval system including:

- municipal development plans and amendments,
- all other statutory plans and amendments,
- land use bylaws and amendments,
- subdivision of a parcel and any appeal,
- development approval and any appeal.

Each referral shall contain all available information for review and a municipality may request further information to be provided. In the case of all referrals, a timely written response is expected.

Policies

3.1 As the first step in the referral process, all applications within the Plan boundary or proposed documents affecting the Plan boundary shall be submitted to the IMDP Planning Committee for comment. The full referral process is outlined in Figure 1 – Referral Flow Chart.

3.2 Municipal Development Plans and Amendments and all Other Statutory Plans and Amendments

(a) A newly proposed County of Newell Municipal Development Plan or a new statutory plan or amendment to either that will have an impact on this plan shall be referred to the Village for comment.

(b) A newly proposed Village of Duchess Municipal Development Plan or new statutory plan or amendment to either affecting the municipal expansion policies shall be referred to the County for comment.

(c) The above referrals shall be made and considered prior to a public hearing.

3.3 Land Use Bylaws and Amendments (redesignation and text amendments)

(a) All land use bylaw amendments in the County of Newell which change a land use district or a part of the Land Use Bylaw which would affect the policies of this plan shall be referred to the Village.

(b) The Village shall refer all redesignation applications that are located adjacent to the County boundary.

(c) Any proposed new Land Use Bylaw in the County or Village shall be referred to the other for comment.

(d) The above referrals shall be made and considered prior to a public hearing.

3.4 Subdivision Applications

(a) The County shall refer all subdivision applications within the boundaries of this plan to the Village for comment.

(b) The Village shall refer all subdivision applications located on lands adjacent to the County boundary to the County for comment.

(c) The above referrals shall be made and considered prior to a decision being made.

3.5 Development Applications

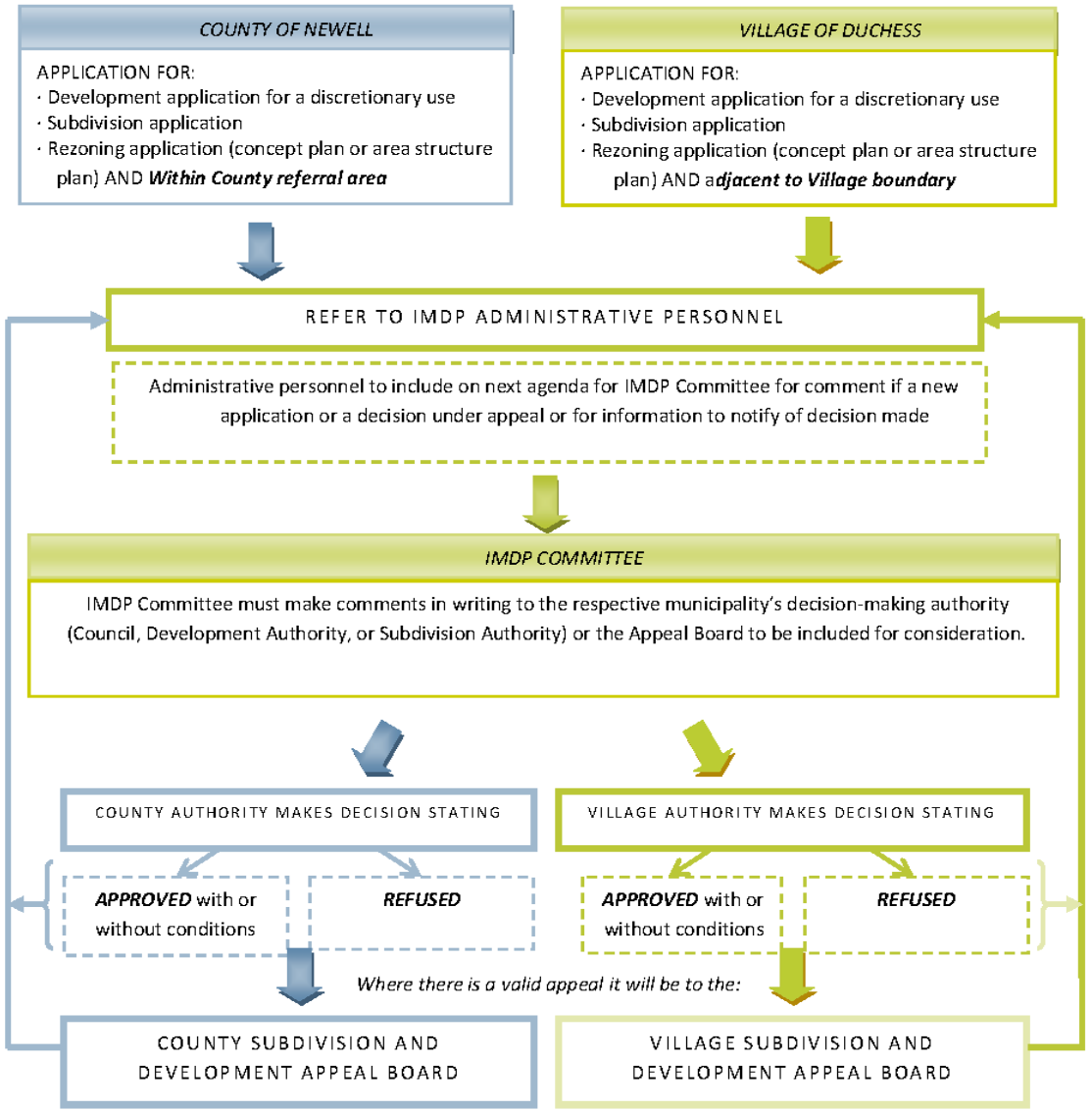
(a) The County shall refer all discretionary use applications located in the Plan boundary to the Village for comment and may refer permitted use applications where there may be a potential conflict with an adjacent Village property or existing land use.

(b) The Village shall refer to the County all discretionary use applications, if the application is adjacent to lands in the County and any application involving a use of land or buildings which may have a noxious, hazardous or otherwise detrimental impact on land within the County.

(c) The above referrals shall be made and considered prior to a decision being made.

3.6 Municipalities are encouraged to refer any requests for approval to each other in areas not contained in this plan if some impact may occur in the other jurisdiction.

Figure 1: Intermunicipal Development Plan Referral Flowchart



4.0 Dispute Settlement

Intent

By its nature, the policies of this plan are general and make each municipality responsible for decisions made in their own jurisdiction. This suggests that disputes may arise from time to time. Using the following system, it is hoped the dispute can firstly be avoided, and secondly, settled locally. Only after a series of steps would the dispute go beyond the local level. 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 or as required in this plan 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 Intermunicipal Development 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 at 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 Development Plan Committee be unable to arrive at a consensus, then either municipality will contact the appropriate chief elected 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 a case where further action under the Municipal Government Act is unavailable, the results of the mediation report will be binding on each municipality.

Step 8 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.

PART C: INTERMUNICIPAL LAND USE POLICIES

This document outlines policies that apply to lands in the Intermunicipal Development Plan boundary and are to be used as a framework for decision making in each municipality with input and cooperation of the other jurisdiction. Each municipality is responsible for decisions within their boundaries using the Plan policies and the procedures provided in the Plan.

This section of policy is intended to provide guidance to decision makers when considering land use approvals within the IMDP boundary. Approvals shall only be given to uses that are complementary to uses located in the adjacent jurisdiction. Other sections of this plan may also apply, for example, the requirements for referrals.

1.0 General

Policies

1.1 For the purpose of managing land use in the IMDP boundary, the area is divided into the following areas as shown in Map 3 (Planning Areas):

(a) Planning Area 1

(b) Planning Area 2, and

(c) Planning Area 3.

1.2 Parcels within the IMDP boundary that are currently zoned Agricultural (A) shall be redesignated as Fringe (FR) in the County of Newell Land Use Bylaw. Extensive agriculture will be the primary land use of the lands, until these lands are redesignated in a land use bylaw in accordance with this plan. Land uses will be allowed in accordance with the Fringe District – Duchess Overlay contained within the County of Newell Land Use Bylaw.

1.3 Parcels within the IMDP boundary that are currently zoned to districts other than Agricultural (A) or Fringe (FR) may continue under those districts identified in the County of Newell Land Use Bylaw. New applications for subdivision and development on these lands shall be subject to any policies of this IMDP.

1.4 It is a recommendation of this document that the County of Newell Municipal Development Plan be updated to reflect the CFO Exclusionary Area as defined by Map 2.

1.5 Existing land uses with valid development permits that exist as of the date of approval of this plan may continue to operate in accordance with the provisions of the Land Use Bylaw and the Municipal Government Act.

1.6 All subdivisions shall comply with the County of Newell subdivision criteria found in Schedule 2, Fringe – FR, County of Newell Land Use Bylaw 1755-12 for:

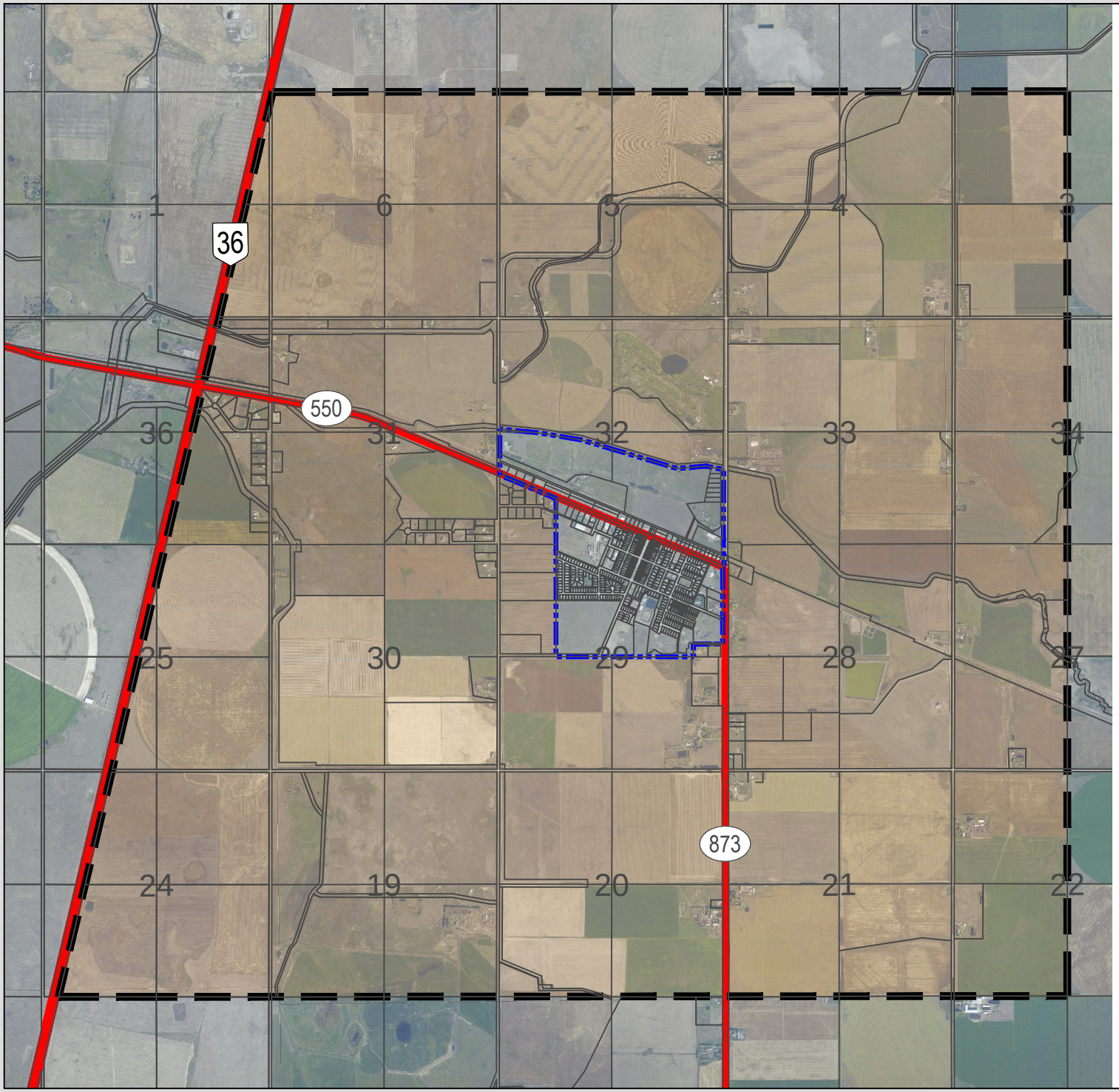
- agricultural uses,
- existing and fragmented parcels,
- single lot developed country residential (farmstead), and
- single lot vacant country residential.

1.7 Non-agricultural uses that are determined to be detrimental to the Village's ability to grow and expand in the future shall be prohibited in this area of the IMDP.

1.8 When the Village determines that annexation of land is necessary to accommodate growth, the process shall be as governed in Part C, Section 5 of this Plan.

1.9 Each municipality must be duly notified for any development or subdivision proposal in the other municipality that will result in access being required from an adjoining road under its control or management. The affected municipality must give its approval or decision in writing prior to the application being considered as complete by the other municipality.

1.10 Integrating future local roadway systems to the internal roads grid-pattern networks within the adjacent Village system to provide efficient and effective access to all parts of the west development area is a priority, as the grid system roadway network provides for both sustainable and efficient vehicular and pedestrian circulation and future extension of municipal water and wastewater infrastructure.



CONFINED FEEDING OPERATION (CFO) EXCLUSION AREA

LEGEND

CFO EXCLUSION AREA

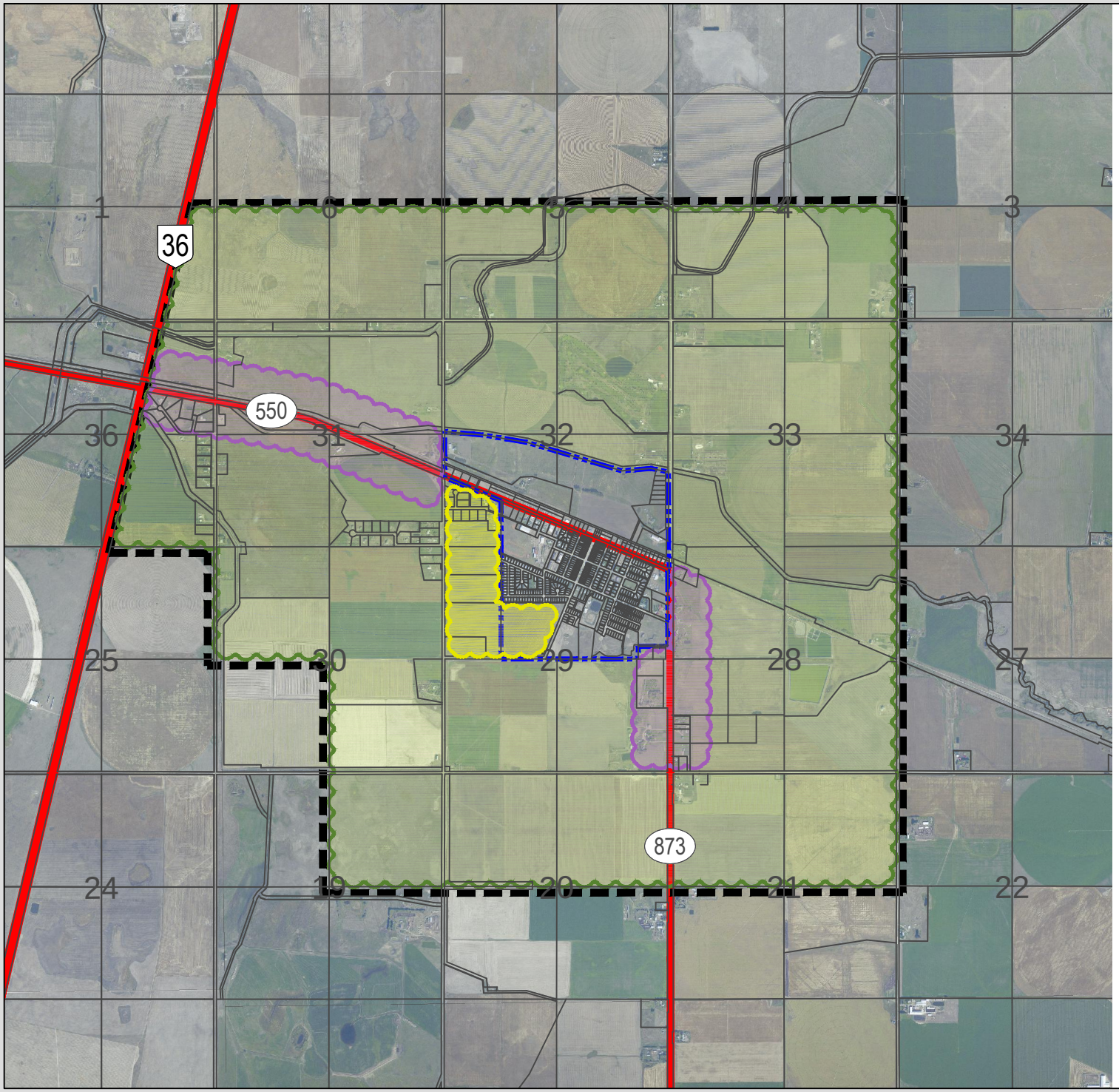
VILLAGE OF DUCHESS

MAP 2

INTERMUNICIPAL DEVELOPMENT PLAN
COUNTY OF NEWELL (BYLAW NO. 1780-13) &
VILLAGE OF DUCHESS (BYLAW NO. 455-13)

OLDMAN RIVER REGIONAL SERVICES COMMISSION

February 26, 2014
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PLANNING AREAS

LEGEND

- VILLAGE OF DUCHESS
- IMDP BOUNDARY
- PLANNING AREA 1
- PLANNING AREA 2
- PLANNING AREA 3

MAP 3

INTERMUNICIPAL DEVELOPMENT PLAN
COUNTY OF NEWELL (BYLAW NO. 1780-13) &
VILLAGE OF DUCHESS (BYLAW NO. 455-13)

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2.0 Planning Area 1

Planning Area 1 (see Map 4) is centrally located within the Plan area. It is bordered on the north and the east by the Village and includes a portion within the Village and represents the primary development area identified where future development shall be directed and focused. The Village has recognized that this is an area subject to pressures directed to the County to further develop, and the Village is willing to cooperate with the County to ensure orderly, well-planned development occurs. As a result, Planning Area 1 is subject to detailed prescriptive planning policies and a specific Land Use Concept has been prepared to manage development (see Map 5).

General Policies

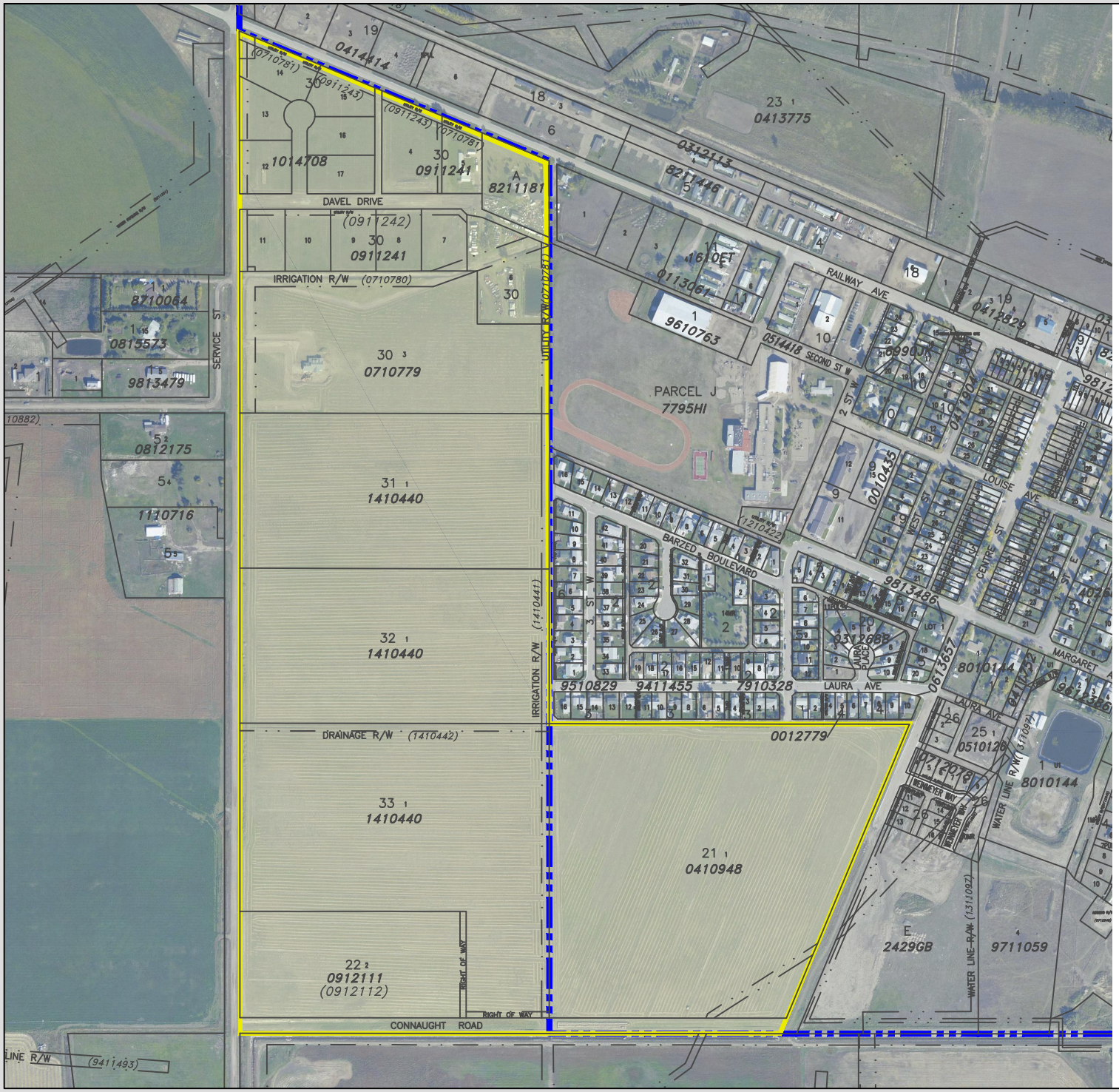
2.1 Existing land uses are "grandfathered" and may continue to operate and exist in compliance with an existing development permit approval. The intensification or a change in land use for an existing operation shall require a new development permit. Any and all development proposals shall comply with this IMDP.

2.2 Both municipalities agree that the types of uses acceptable for the area are urban style residential development. Noxious or hazardous uses, where such a use may negatively impact (i.e. smoke, dust, noise, vibration or glare) neighboring land uses, or heavy industrial type uses shall be prohibited from being established in this area.

2.3 An Area Structure Plan (ASP) shall be required to be submitted by a developer/landowner and approved by the County prior to the redesignation of any parcel of land located within Planning Area 1.

2.4 In effectively planning for the orderly, efficient, economic and beneficial development of lands located within Planning Area 1, the sequencing or phasing of ASPs shall generally proceed from the east to west within the planning area. If an adjacent landowner is unwilling to participate in the process, the developer may "shadow-plan" (or be required by Council to 'shadow plan') those lands under separate title that may be part of the acceptable ASP area.

2.5 The submission of an ASP, redesignation, subdivision or development permit application that does not adhere to the general sequencing or phasing philosophy of this IMDP or propose a "leap-frog" development scenario shall be discouraged by the County, unless specifically authorized by County Council in consultation with the Village.



PLANNING AREA 1

LEGEND

VILLAGE OF DUCHESS

PLANNING AREA 1

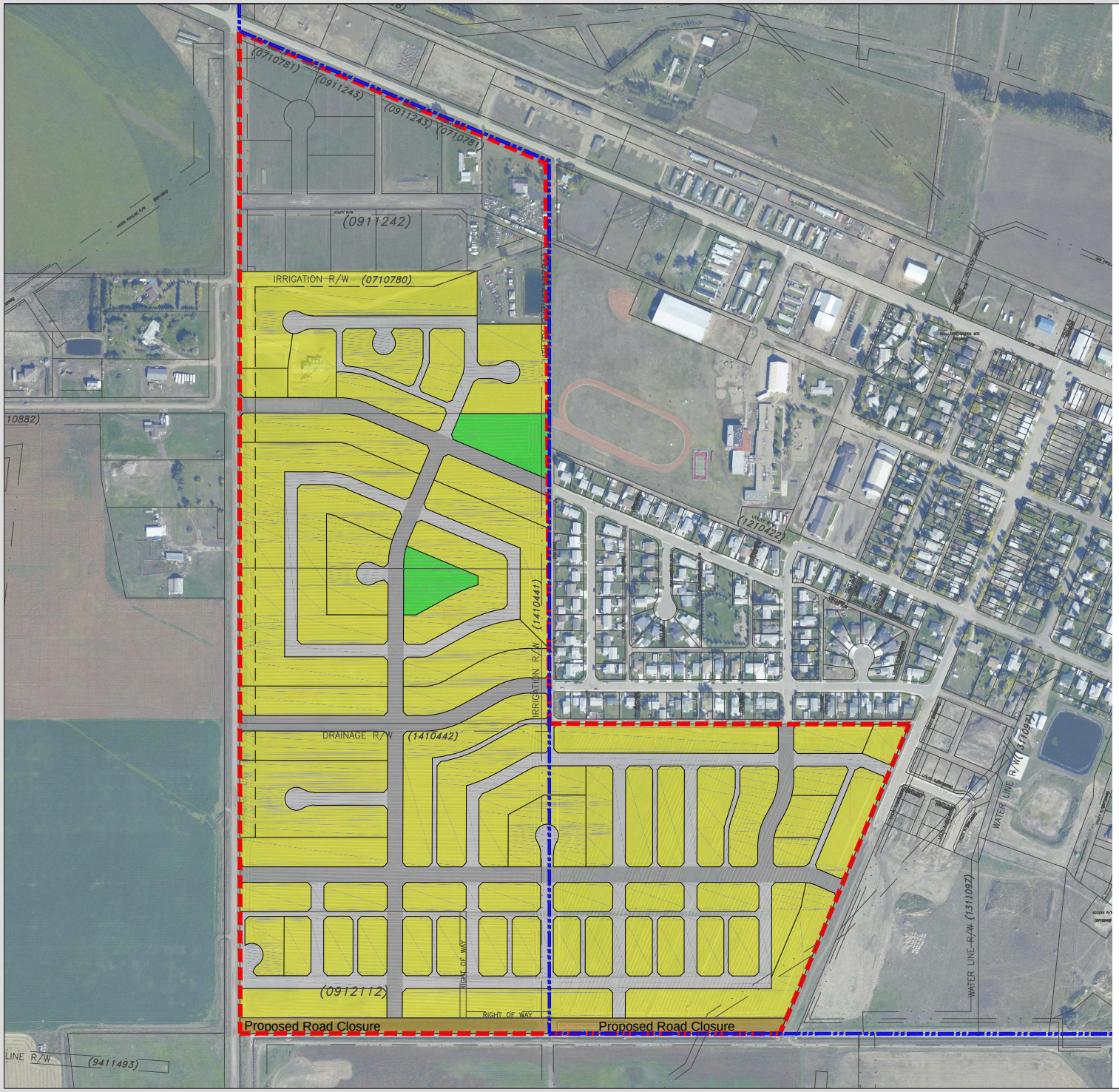
NOTE:
INCLUSION OF LAND AREA WITHIN THE VILLAGE OF DUCHESS IS FOR ILLUSTRATIVE PURPOSES ONLY.

MAP 4

INTERMUNICIPAL DEVELOPMENT PLAN
COUNTY OF NEWELL (BYLAW NO. 1780-13) &
VILLAGE OF DUCHESS (BYLAW NO. 455-13)

OLDMAN RIVER REGIONAL SERVICES COMMISSION

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PLANNING AREA 1
LAND USE CONCEPT

LEGEND

- VILLAGE OF DUCHESS
- PLANNING AREA 1
- POTENTIAL RESIDENTIAL
- POTENTIAL PARK
- POTENTIAL COLLECTOR
- POTENTIAL LOCAL ROAD

NOTE:
INCLUSION OF LAND AREA WITHIN THE VILLAGE OF DUCHESS IS FOR ILLUSTRATIVE PURPOSES ONLY.

MAP 5

INTERMUNICIPAL DEVELOPMENT PLAN
COUNTY OF NEWELL (BYLAW NO. 1780-13) &
VILLAGE OF DUCHESS (BYLAW NO. 455-13)

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2.6 In unusual circumstances, and where a clear benefit to the County may be demonstrated, the County may consider development "out of sequence" provided the developer agrees to front end the full costs of extending services to a particular area.

2.7 Area Structure Plans submitted by a developer/landowner must be professionally prepared at the developer's expense and shall comply with any and all relevant and applicable policies and schedules of this IMDP.

2.8 Developers shall provide and construct at their expense the required access, service roads, or collector roads as needed.

Infrastructure Policies

2.9 Developments in Planning Area 1 shall be required to connect to municipal potable water and wastewater systems if an agreement is made between the two municipalities and capacity is available. Any costs associated with this, including extending waterlines and installing the associated infrastructure, shall be at the expense of the developer.

2.10 If municipal services are requested and available for a development proposal within the IMDP boundary area, the two municipalities will cooperate in good faith to try and facilitate an agreement and plan to provide those services.

2.11 The County and Village may work in collaboration if one municipal party can obtain a government grant to fund an infrastructure or other municipal project that may be mutually beneficial to both parties as it pertains to this Plan.

2.12 The County may implement a bylaw and collect an off-site levy, development charge or user fee to address monetary costs applicable to developers, which impact or are required to pay for any roads or intersection improvements, water, wastewater, stormwater management systems, fire suppression facilities, or any other municipal infrastructure that is installed and applicable to the Plan area.

2.13 The County may use *Endeavour to Assist Clauses* in Development Agreements, to compensate initial developers who may oversize or install infrastructure to service their development, where later developments may access or tie-in to those services. (Note: An Endeavour to Assist Agreement is put in place to assist developers who install infrastructure as a front end service that will be a benefit to adjacent developers in the future. Any cost recovery required through such agreements is over and above the off-site levies attached to any specific parcel.)

2.14 For servicing, it is envisioned that utilities shall be located within a road right-of-way. Alternatively, utility corridors may be utilized in the event the road network is not fully developed, which may involve a strategy of protecting and registering utility easements or right-of-way plans over private land in favour of the County. Utility locations and design shall be provided to the satisfaction of the County.

2.15 Developers shall be responsible to provide an engineered stormwater management plan for their parcel as it pertains to a proposed development, or for a larger design or subdivision area, to the satisfaction of the County. Post-development runoff rates shall not exceed pre-development runoff rates as per *County of Newell Design Guidelines and Minimum Servicing Standards*.

3.0 Planning Area 2

Planning Area 2 is located along the adjacent highway corridors, Highway 873 and Highway 550, both south and west of the of the existing Village boundary. This planning area is highly visible, has superior access to major transportation routes (both highway and rail) and nearby access to municipal services such as water and sanitary sewer that may be extended from the Village in the future (if agreed to and available). The Village and County recognize that Planning Area 2 is an area subject to pressures directed to the County to further develop commercial and industrial uses, and the Village is willing to cooperate with the County to ensure orderly, well-planned development occurs.

General Policies

3.1 Existing land uses are "grandfathered" and may continue to operate and exist in compliance with an existing development permit approval. The intensification or a change in land use for an existing operation shall require a new development permit. Any and all development proposals shall comply with this IMDP.

3.2 Both municipalities agree that the types of uses acceptable for the corridor are highway commercial type businesses and/or business/light industrial uses. Noxious or hazardous uses, where such a use may negatively impact (i.e. smoke, dust, noise, vibration or glare) neighboring land uses, or heavy industrial type uses shall be prohibited from being established in this area.

3.3 Residential uses may be located in suitable locations within Planning Area 2 adjacent to existing residential development.

3.4 An Area Structure Plan (ASP) shall be required to be submitted by a developer/landowner and approved by the County prior to the redesignation of any parcel of land located within Planning Area 2.

3.5 In unusual circumstances, and where a clear benefit to the County may be demonstrated, the County may consider development "out of sequence" provided the Village can support the proposal.

3.6 Area Structure Plans submitted by a developer/landowner must be professionally prepared at the developer's expense and shall comply with any and all relevant and applicable policies and schedules of this IMDP.

3.7 When considering applications for redesignation, subdivision and/or development approval of commercial and/or business light industrial uses, all applications must meet or exceed the policy for minimum performance standards and development design guidelines as outlined in Appendix B of the Plan.

3.8 Lot density and layout for clustered commercial / industrial uses (utilizing private septic systems for treatment of wastewater) in Planning Area 2 is generally envisioned to be developed on a minimum lot size of 2.0-acre and shall be confirmed at the time of Area Structure Plan approval.

3.9 Area Structure Plans shall ensure they effectively plan and provide transition/buffer areas between incompatible land uses such as commercial/industrial and residential uses, to the satisfaction of the County. Transition/buffer areas may be required to be illustrated in an Area Structure Plan.

3.10 Developers shall provide and construct at their expense the required access, service roads, or collector roads as needed.

3.11 Freestanding signage along entranceways is discouraged.

3.12 Any development that is visible from the corridor areas (Highway 873 and Highway 550) shall provide landscaping and architectural elements that enhance the visual/aesthetic appeal and impact along intermunicipal entranceways for the travelling public, as per Appendix B of this Plan.

3.13 To soften any negative visual impacts that may exist on the corridor entranceways (Highway 873 and Highway 550) consideration shall be given (at the development permit stage) to effectively and appropriately screen developments (or part thereof) from the view of the travelling public.

3.14 The County and Village agree to consult and work with Alberta Transportation regarding the implementation of this Plan and, at the time of subdivision or development, considerations for how development may impact Highways 873 and 550. The developer shall conduct

traffic studies with respect to impact and access onto the highways. Any upgrading identified by traffic studies conducted by developers with respect to the highways, shall be implemented by the developer at its sole cost and to the satisfaction of Alberta Transportation.

3.15 Both the County and Village acknowledge that a transportation impact analysis will be required to be conducted prior to any intense or major development in the highway corridor area to confirm access management standards, roadway cross-sections and other functional considerations, which should be provided at the expense of the developers.

4.0 Planning Area 3

Planning Area 3 includes all of the land area lying outside of the other two defined planning areas and is illustrated on Map 3. The land within Planning Area 3 is primarily utilized for agriculture and the vision for this area is to continue to use these lands for agricultural purposes while providing for some isolated non-agricultural development in areas deemed suitable and appropriate. The County's present fringe policies are to be applied, with the one exception being the application of the CFO exclusion area as prescribed in Part C, Map 2 of the Plan.

Policies

4.1 Subdivision and development in Planning Area 3 is regulated by any and all applicable County fringe area policies contained in the County's Municipal Development Plan and Land Use Bylaw and any other relevant policies that may be contained in this Plan.

4.2 Agricultural uses (non-intensive) shall be the primary or dominant use of land in this area until the lands are required for the future growth and expansion of the Village.

4.3 A parcel or a lot that is used or proposed to be used for acreage development shall be limited to existing titles if already subdivided, or to a maximum of four (4) lots grouped together to preserve the integrity of agricultural lands and utilize on-site servicing.

4.4 No further subdivision over the density of four (4) lots shall occur without the provision of water and sewer services to urban standards or where levies have been established to collect servicing monies for future installation.

4.5 Non-agricultural buildings and uses (such as isolated commercial and industrial), intensive agricultural uses or agricultural related buildings and uses that may be better located within a commercial or light industrial business park area shall be required to locate the proposed business operation within Planning Area 2 of the Plan or within the Village boundary.

5.0 Annexation

Intent

Identification of possible expansion areas will give an indication of lands that need to have special considerations. Policies are in place to ensure the opinion of all stakeholders into the expansion process.

Policies

5.1 Annexation boundaries shall follow legal boundaries and natural features to avoid creating fragmented patterns of municipal jurisdiction.

5.2 The Village and County shall negotiate a formula for the determination of compensation on annexation. Negotiation may occur on any or all of the following:

- revenue or tax-sharing,
- off-site levies and levy transfers, and
- municipal reserve transfers.

5.3 Annexation involves a number of stakeholders that need to be involved in the process including:

- land owners directly affected by the application must be part of the negotiation process;
- Village of Duchess, who must make the detailed case for annexation and be a major participant in any negotiations;
- County of Newell, who must evaluate the annexation application and supporting documentation for the impact on its financial status and land base as well as ratepayer issues. The County will, as part of the negotiation with ratepayers, wish to see arrangements regarding, but not limited to:
  - property taxes,
  - use of land continuing as agriculture until needed for development,
  - ability to keep certain animals on site;
- authorities such as Alberta Transportation and Alberta Environment;
- Municipal Government Board, who will evaluate the application and responses from the stakeholders.

5.4 Within six (6) months upon a Municipal Board Order approving an annexation, the Intermunicipal Development Plan boundary shall be reviewed and amended as required to reflect the municipal boundary change.

APPENDIX A
SUMMARY OF THE STUDY AREA

Background

With the steady population and development growth experienced in Alberta over the last decade, it has become increasingly clear that municipalities cannot make land use decisions in isolation. An intermunicipal development plan recognizes that the fringe area of an urban area, such as a town, is subject to different pressures, problems, conflicts and opportunities than a purely rural or urban area.

The size of the area to be studied was determined in consultation with the Intermunicipal Development Plan Committee, encompasses approximately 5,539.53 acres (2,241.77 ha) in size and nearly 10 sections of land. The background and analysis of the area was undertaken to provide an understanding of the existing circumstances, attempt to identify the issues and opportunities that have emerged from the analysis of the preliminary information, and act as an agenda for discussions by the Project Steering Committee. Maps 6 to 10 (attached as Appendix A) help in providing a basic understanding of the existing conditions as they illustrate existing land uses, existing zoning, topography (contours/elevations), soils, roads and infrastructure systems within the Study area.

Natural Features and Man-Made Features

The Study Area has many natural features that exert influence on the landscape. The area may be considered relatively flat to gently rolling as the land transitions to the east to west. The area is traversed by several provincial highways (Highways 36, 873, and 550) and a grid County road network which provides a good quality transportation system for the area.

The Study Area falls within the Eastern Irrigation District (EID) and as such is traversed by a canal system which fragments several of the quarter sections. In addition, potable water infrastructure (such as municipal and cooperative water lines) wastewater infrastructure (including the Village lagoons), and existing and abandoned oil and gas well and pipelines also are located within the Study area and represent both opportunities and constraints to future development.

Existing Land Use

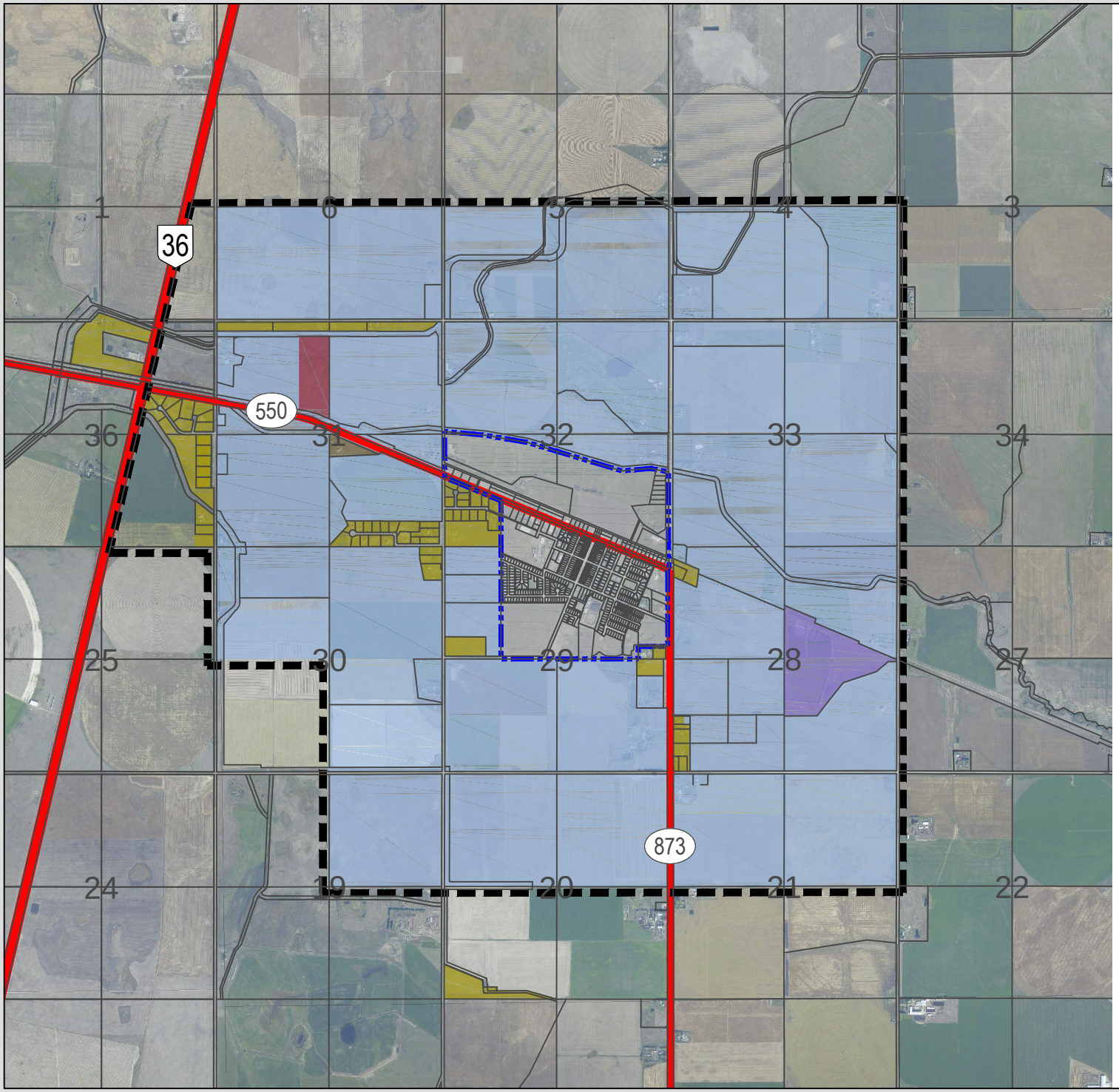
The primary use of the majority of the land within the Study Area is for agricultural activities; however, other uses include residences, farm buildings, and several commercial and industrial businesses. Residential subdivision of land within the Plan area has occurred mainly west between the Village boundary and Highway 36 with a node of development south of the Village boundary along Highway 873. Typically an urban fringe area (such as the Plan area) will experience pressure to accommodate a variety of different land uses as there are many advantages in being located in close proximity to an urban center.

Land Use Zoning

From a zoning perspective, the majority of the land within the Plan area is zoned as Fringe (FR) with the lands east of Highway 36 zoned Agriculture (A). Other zoning within the Plan area include Acreage Residential (AR), Rural Commercial (RC) and Public Service (Village lagoon site). Map 6 illustrates existing zoning within the Plan area.

Agricultural Practices

Map 8 (Soils) indicates the Canada Land Inventory (CLI) soil classification and agricultural capability of the land (see *Definitions* for soil classifications) for all lands within the Plan area. The land with the Plan Area is split between high quality, Class 1 and 2 and poor land, Class 4 and 5. The lands directly adjacent to the Village are of the higher quality soils while the less productive farmland is found west of the Village towards Highway 36.



EXSITING ZONING

LEGEND

- VILLAGE OF DUCHESS
- IMDP BOUNDARY

ZONING

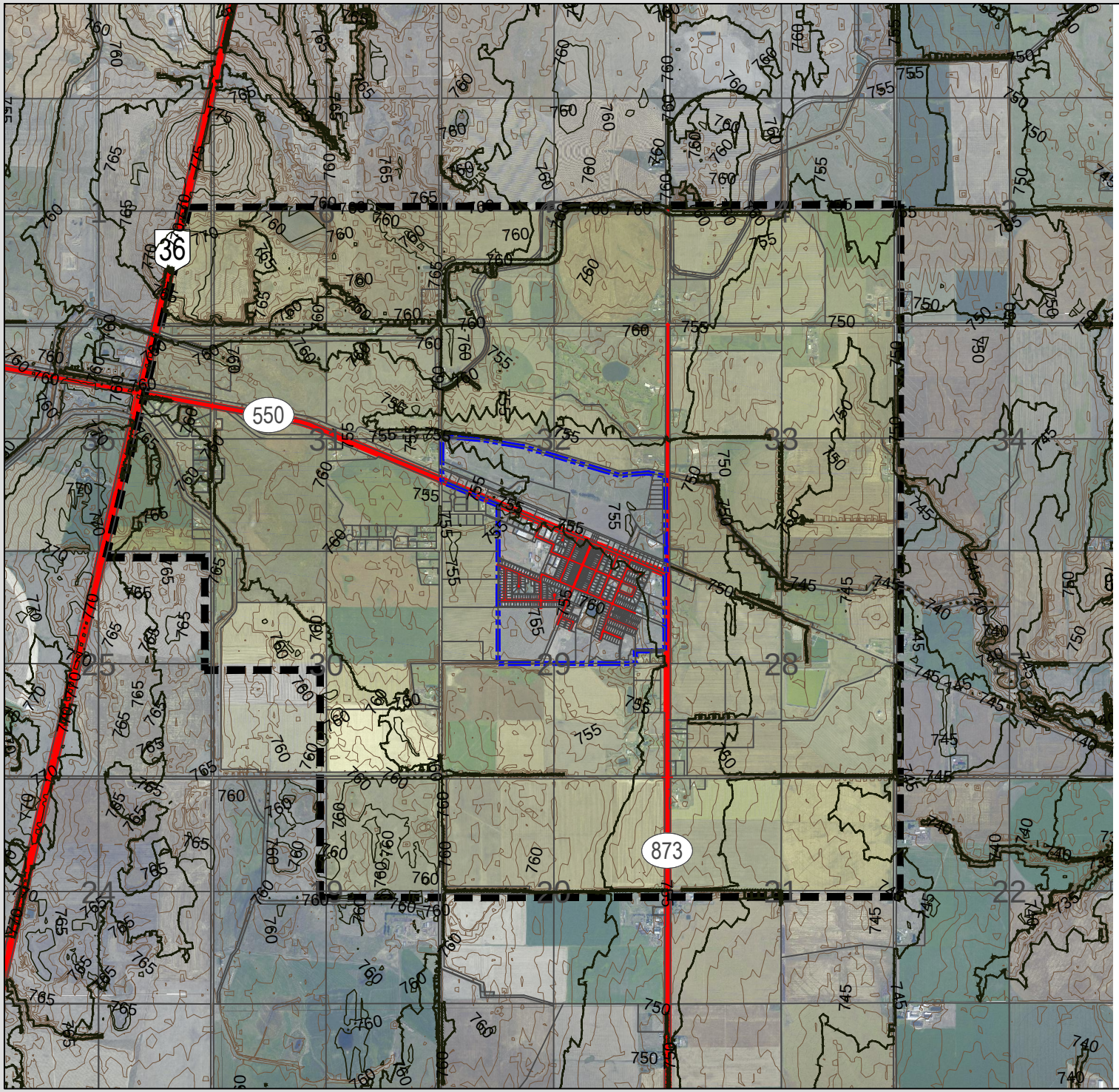
- AGRICULTURAL - A
- SINGLE LOT AGRICULTURAL - SLA
- ACREAGE RESIDENTIAL - AR
- RURAL BUSINESS - RB
- FRINGE - FR
- PUBLIC SERVICE - PS

MAP 6

INTERMUNICIPAL DEVELOPMENT PLAN
COUNTY OF NEWELL (BYLAW NO. 1780-13) &
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TOPOGRAPHY

LEGEND

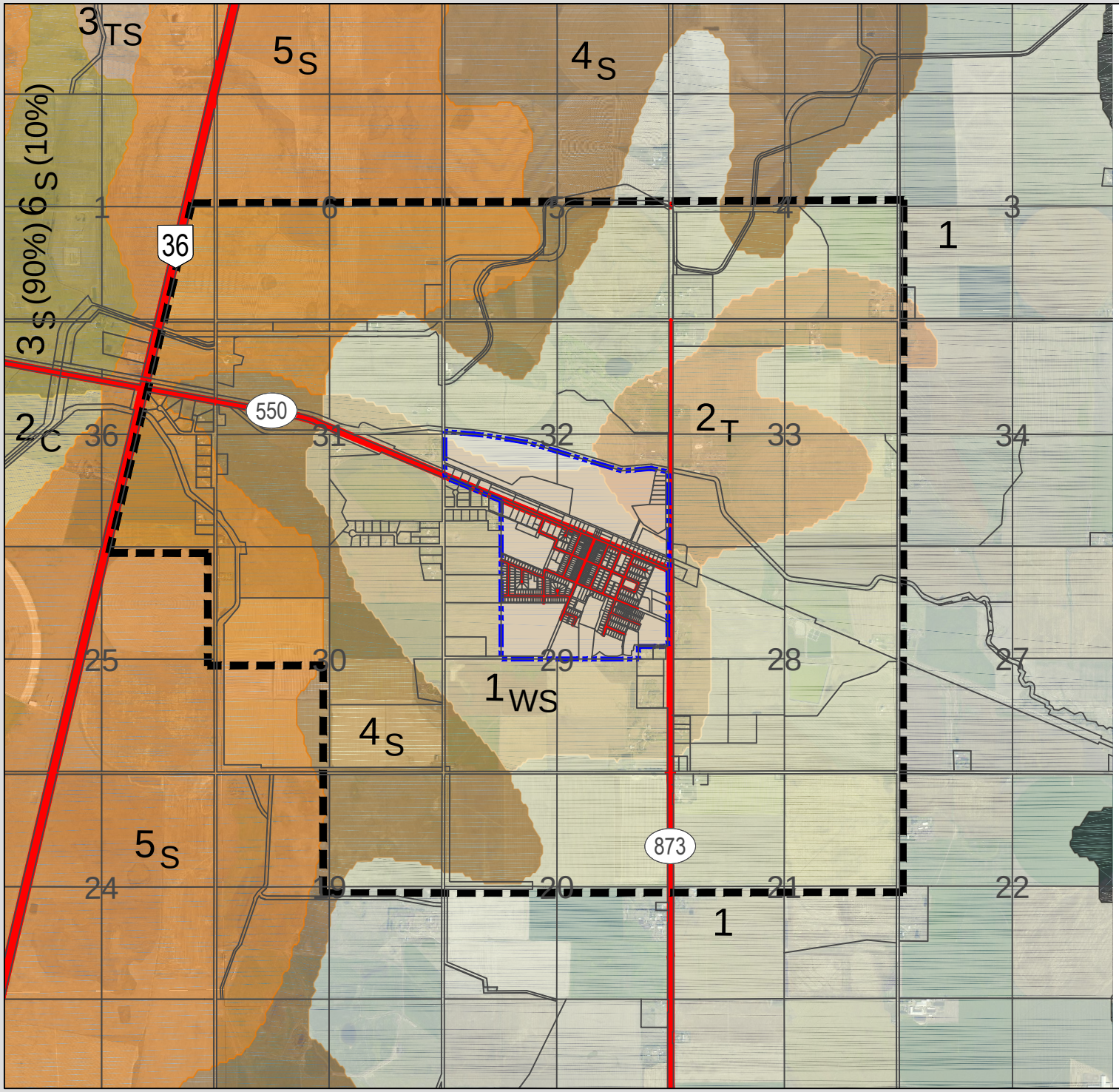
- VILLAGE OF DUCHESS
- IMDP BOUNDARY
- INTERMEDIATE CONTOURS(1m)
- INDEX CONTOURS(5m)

MAP 7

INTERMUNICIPAL DEVELOPMENT PLAN
COUNTY OF NEWELL (BYLAW NO. 1780-13) &
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SOILS

LEGEND

VILLAGE OF DUCHESS

IMDP BOUNDARY

SOILS CAPABILITY FOR AGRICULTURE AS INDEXED BY CANADIAN LAND INVENTORY

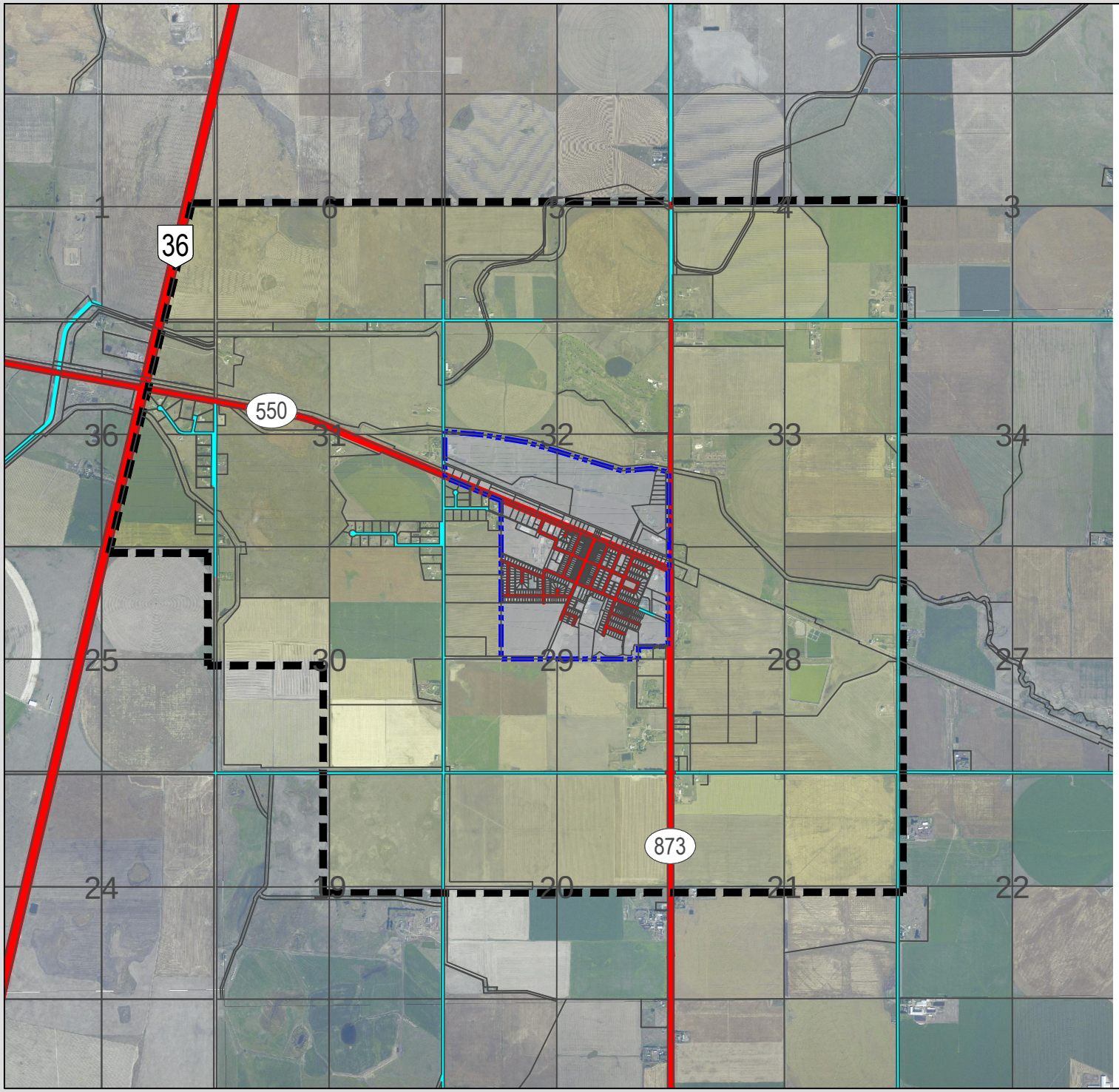
- SOIL CLASS 1
- SOIL CLASS 1_{WS}
- SOIL CLASS 2_C
- SOIL CLASS 2_T
- SOIL CLASS $3_{S(90\%)}$ $6_{S(10\%)}$
- SOIL CLASS 3_{TS}
- SOIL CLASS 4_S
- SOIL CLASS 5_S

MAP 8

INTERMUNICIPAL DEVELOPMENT PLAN
COUNTY OF NEWELL (BYLAW NO. 1780-13) &
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TRANSPORTATION NETWORK

LEGEND

VILLAGE OF DUCHESS

IMDP BOUNDARY

TRANSPORTATION NETWORK

PAVED ROAD

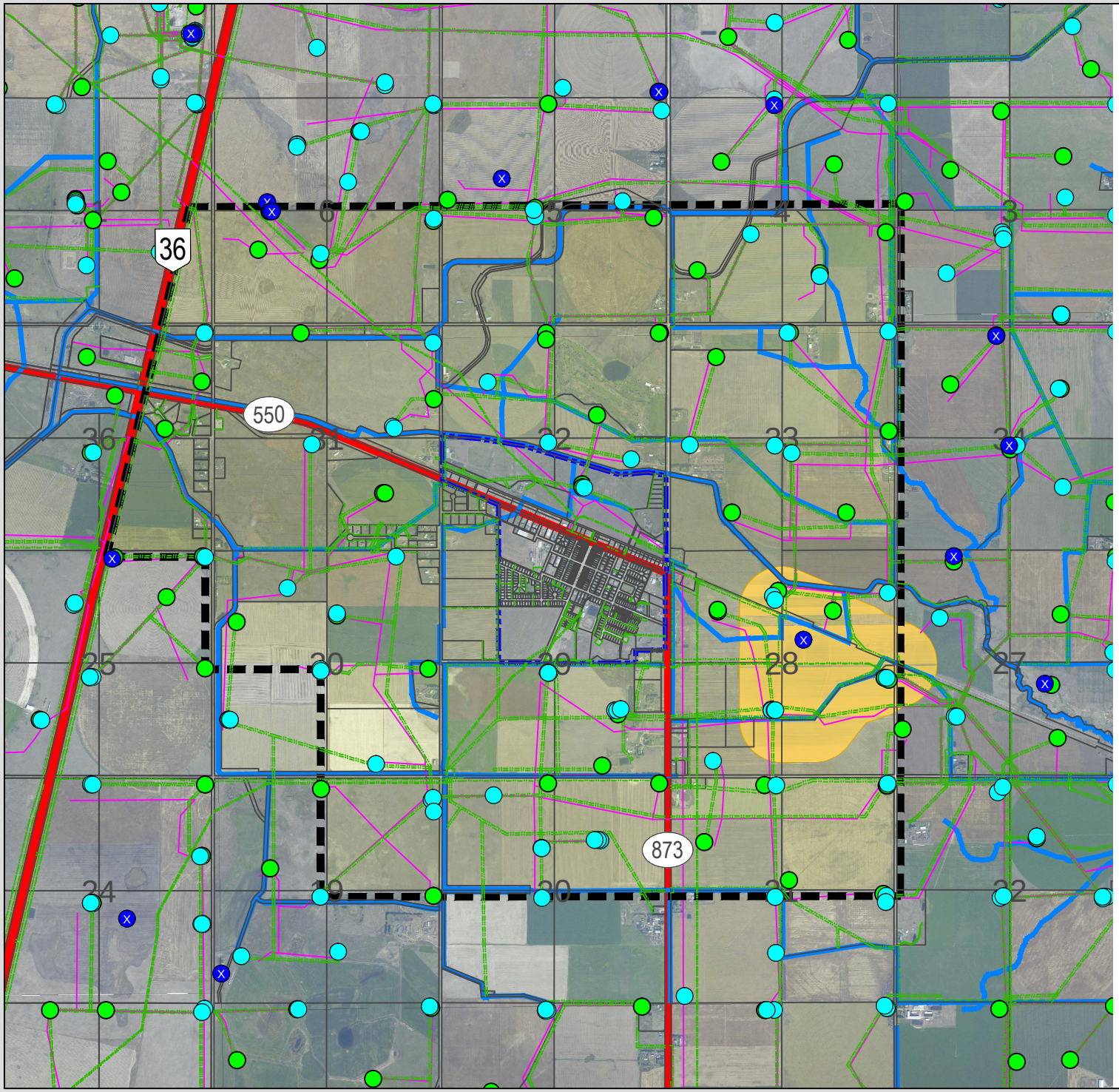
UNPAVED ROAD

MAP 9

INTERMUNICIPAL DEVELOPMENT PLAN
COUNTY OF NEWELL (BYLAW NO. 1780-13) &
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CONSTRAINTS

LEGEND

- VILLAGE OF DUCHESS
- IMDP BOUNDARY
- WELL*
- WELL - ABANDONED*
- WELL - UKNOWN STATUS*
- CANAL
- EASEMENT
- PIPELINE*
- 300m SEWAGE LAGOON BUFFER

Data Source: Abacus Datagraphics Ltd. 2013

MAP 10

INTERMUNICIPAL DEVELOPMENT PLAN
COUNTY OF NEWELL (BYLAW NO. 1780-13) &
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APPENDIX B
PERFORMANCE STANDARDS

PLANNING AREA 2 – COMMERCIAL / BUSINESS LIGHT INDUSTRIAL

Servicing Standards, Performance Standards and Design Guidelines

These stipulated standards are to apply to developments proposed in Planning Area 2 (see Map 3) of the County of Newell and Village of Duchess Intermunicipal Development Plan (IMDP).

Part 1
Servicing Standards

Policies

Servicing – Development Standards

1. Any commercial or industrial development that either produces or is categorized as a high water user shall be required to connect to municipal sewer services if capacity is available. Individual private septic systems shall not be permitted for those uses falling into this category, which may include, but is not limited to, restaurants, hotels, car/truck washes, and various manufacturing or processing facilities.

2. Any commercial or industrial development that requires a secure source or uses a high volume of potable water (e.g. restaurants, hotels, car/truck washes, food processing) shall be required to connect to municipal water services if capacity is available. If municipal water and wastewater services are unavailable, the developer shall be required to extend services in effectively servicing the development, to the satisfaction of the County, or alternatively, that the proposed project be appropriately located in the Village.

3. In conjunction with policies 1 and 2 above, the developer shall be required at their expense to install any required service lines or infrastructure to service the development, including turn-outs, pumps, valves or meters, as determined necessary by the municipality and in accordance with the *County of Newell Design Guidelines*.

4. The County Development Authority should deny the approval of a development permit if the type of development proposed cannot obtain or meet the requirements for water and wastewater services as outlined in this Plan.

5. As an interim development measure, low volume water users may use a private sewage disposal system, and if agreed to and satisfactory to the County.

6. Developers shall be required to provide a method of fire suppression acceptable to the County based on the National Fire Protection Association (NFPA) standard 1142 as a design guideline. Where required, pressurized water lines and hydrants, or fire ponds and dry hydrant systems if acceptable, are to be designed by a Professional Engineer and conform to equipment available for fire-fighting purposes within the County.

7. Developers may be required to provide an infrastructure plan prepared by a qualified engineer for water and sewer services which takes into consideration future development and phasing. The plan should identify that there must be acceptable looping of the lines at some point based on engineering requirements.

8. Street lighting and any other required municipal infrastructure shall be provided at the expense of the developer to the standards and satisfaction of the County with regard to the *County of Newell Design Guidelines* and the 'Performance Standards and Design Guidelines' in Part 2.

Stormwater Drainage – Development Standards

9. Stormwater within the development area should be managed to use site contours to minimize site grading as much as possible.

10. Individual sites (lots) may utilize onsite evaporation ponds, rain-gardens, storage and reuse of water for parcel irrigation, etc., without typically obtaining Alberta Environment approval. Any release of water off-site, or if pre- and post-development rates do not match, will require provincial approval under the *Water Act*.

11. All drainage areas on private lands shall be protected by caveat, easement or right-of-way as required, while drainage or stormwater facilities to be owned or maintained by the municipality shall be designated as a Public Utility Lot (PUL). The County may require at its discretion, areas or facilities associated with stormwater drainage to be designated as a PUL.

Part 2
Performance Standards and Development Design Guidelines

Performance standards and development design guidelines contained in this IMDP are intended to provide guidelines for the development of commercial and business light industrial sites, buildings and uses within the applicable and relevant IMDP area (i.e. Planning Area 2) and to establish standards for the management of potential nuisances that may result from the activities occurring in those commercial or business light industrial areas.

Performance Standards

Policies

1. The performance standards contained within this section shall apply to those commercial and business light industrial use areas as shown on Map 3 (Planning Area 2) of this IMDP.

2. When considering applications for redesignation, subdivision and/or development approval of commercial and/or business light industrial uses, all applications must meet or exceed the minimum performance standards as outlined in this IMDP.

3. **Air Contaminants, Visible and Particulate Emissions**

   No commercial or business light industrial use or operation contemplated within the IMDP area shall cause or create air contaminants, visible emissions, or particulate emissions beyond the building that contains them. Nor shall a commercial or business light industrial use or operation exceed the levels contained within the Province of Alberta *Clean Air Act* and any pursuant and/or applicable legislation. Airborne particulate matter originating from storage areas, yards or roads shall be minimized with the use of landscaping, paving, or watering/wetting of these areas or by other means considered appropriate and acceptable to the County as defined in a development permit in accordance with sound environmental practices.

4. **Odour**

   No commercial or business light industrial use or operation shall cause or create the emission of odorous matter or vapour beyond the building which contains the use or operation.

5. **Noise and Vibration**

   No commercial or business light industrial use or operation shall cause or create the emission of noise or vibration beyond the building that contains the use or operation.

6. **Toxic Matter**

   No commercial or business light industrial use or operation shall cause or create the emission of any toxic matter beyond the building that contains the use or operation. The handling, storage, and disposal of any toxic or hazardous material shall be in accordance with the regulations of any government authority having jurisdiction and in accordance with any approved Chemical Management Plan that may have been required and approved by the County as part of a development permit.

7. **Garbage/Waste Storage**

   Garbage and waste material shall be stored in weather proof and animal proof containers located within buildings or adjacent to the side or rear of buildings that shall be screened from view by all adjacent properties and roads.

8. **Fire and Explosion Hazards**

   All commercial and business light industrial uses that store or utilize material or products that may be hazardous due to their flammable or explosive characteristics shall comply with the applicable fire regulations of the County or the regulations of any other government authority having jurisdiction and in accordance with any hazard or emergency management plan that may have be required and approved by the County as part of a development permit.

Development Design Guidelines

Policies

Administrative

1. The development design guidelines contained within this section shall apply to those commercial and business light industrial use areas as shown on Map 3 (Planning Areas) for Planning Area 2.

2. When considering applications for redesignation, subdivision or development permit approval of commercial or business light industrial uses, all applications must meet or exceed the minimum development design guidelines as outlined in this IMDP.

3. Architectural controls shall be established and provided at the redesignation stage in consistency with this IMDP and any approved Area Structure Plan that may apply to specific lands within the IMDP. The approved architectural controls shall be implemented at the development permit stage.

Architectural Controls

4. Implementation of the approved architectural controls will be done by the developer (registered as an instrument on title in the form of a restrictive covenant) at the subdivision stage.

5. All applications for a development permit shall not be deemed to be complete applications and will not be accepted by the County without prior written confirmation of compliance with the approved architectural controls. At the time of the submission of a development permit application to the County, the applicant shall provide written documentation from an architectural professional confirming that the proposed development project complies with the approved architectural controls.

Building / Site Design

6. The design, character and appearance of all buildings in the proposed commercial and business light industrial areas of this IMDP shall be acceptable to the County and shall demonstrate sensitivity to the highly visible nature of the commercial and business light industrial interface with Highway 550 and Highway 873.

Building / Site Design

7. Highway 550 and Highway 873 shall be considered as the gateways or entranceways to the Village of Duchess and therefore require special design consideration with respect to acceptable and high-quality building design and site design (inclusive of landscaping, signage, outside storage, screening, etc.).

8. Principal buildings associated with commercial and business light industrial uses located on lots immediately adjacent to Highway 550 and Highway 873, shall provide a building design and site design consistent with the following:

    a. All building elevations considered to be highly visible shall provide for an attractive appearance through the provision of a desirable and superior quality design aesthetic.

    b. The front elevation (elevation facing a highway or road) of any principal building shall ensure it effectively addresses the highly visible and sensitive nature of the interface with Highway 550 and Highway 873. In the case of an approved lot layout that proposes two highly visible frontages (e.g. a corner lot or a lot that may contain double frontage onto a highway and an internal subdivision road) the lot shall be deemed to have two front yards and will be required to implement the appropriate setbacks and higher levels of architectural and landscaping treatment accordingly.

c. The front elevation of the principal building shall be considered the elevation that faces Highway 550 and/or Highway 873. This front elevation shall be visible and shall not be screened from view with outside display, landscaping or fencing and the principal building shall remain prominent and proud with respect to its placement, design and view from Highway 550 and Highway 873.

d. In an effort to minimize large monolithic building facades or elevations, exterior designs that encourage visual breaks in the wall (i.e. projection, recession, parapets, revels, articulation, design finish, outcrops, window glazing, paint lines, and/or materials combination, etc.) should be utilized in providing for a high-quality design aesthetic in creating interesting and attractive buildings.

e. Ancillary or accessory buildings or other structures shall be designed, constructed and finished in a manner compatible or complimentary with the character and appearance of the principle building(s) or other similar buildings on the parcel.

f. Accessory buildings shall not be located in the front yard of a principal building.

Landscape Plan

g. A high-quality landscape plan/design shall be used to compliment and augment the building and site designs for those developments adjacent and fronting onto Highway 550 and/or Highway 873. The landscaping plan must take into consideration the following:

   i. A minimum of 10 percent of the parcel/lot area shall be required to be provided as soft landscaping;

   ii. Soft landscaping is highly encouraged to be provided in the form of xeriscaping or xerigardening;

   iii. If water is readily available, soft landscape consisting of vegetation such as trees, shrubs, hedges, grass and ground cover may be provided, with consideration for using native plant species wherever possible;

   iv. A minimum 6 metre landscaped buffer shall be provided adjacent to any road or highway, which shall be soft landscape consisting of vegetation such as trees, shrubs, hedges, grass and ground cover or xeriscaping/xerigardening (as the case may be); and,

   v. Any trees, hedges or other vegetation must be sited so as not to impede the corner site triangle, parcel approach access site lines or visibility of adjacent roadways.

h. Access approaches, parking/loading areas and display areas that may be located in the front yard of a principal building shall be paved or hard surfaced (to the satisfaction of the County).

i. Landscaping provided shall be focussed in those areas of a site determined to be highly visible in providing for a high-quality design aesthetic adjacent to Highway 550 and Highway 873. Any landscaping approved in a development permit is required to be maintained for the life of the development project.

j. Any additional landscaping that may be required at the discretion of the County may include, but is not limited to, the following:
    i. additional separation, or buffering, between adjacent land uses;
    ii. the use of trees, shrubs, fences, walls, and berms to buffer or screen uses of negative impact; and
    iii. the use of trees, shrubs, planting beds, street furniture and surface treatments to enhance the appearance of a proposed development.

9. Proposed commercial and business light industrial buildings and uses that may be adjacent to existing or future grouped country residential or urban residential development areas shall demonstrate through their design how the proposal will successfully mitigate any potential negative impacts. In these areas (as determined by the County) suggested mitigation techniques may be implemented through the use of the following: restriction or prohibition of specific land uses, increased development setbacks, maximum building heights, increased architectural and landscape treatments (or a combination of all of the above).

10. In areas where commercial and business light industrial buildings and uses are adjacent to existing and future country residential or urban residential uses, it is recommended that the commercial or business light industrial development be of a lower density and residential in scale and intensity (comparatively). Additional architectural and landscaping treatment and increased development setbacks may also be required in such locations to effectively address any potential negative impacts and interface issues that may exist.

11. Landscaping shall be required for all proposed developments as per the County's Land Use Bylaw and the approved architectural controls. Proposed landscaping shall enhance the visual attractiveness and appearance of a site and building from all highways or roads.

12. Landscape securities shall be provided if requested by the Development Authority, with the minimum deposit amount as determined sufficient by the Development Authority, which shall be held until an inspection has been completed by the municipality to determine compliance.

Storage and Display

13. Outside storage including the storage of trucks, trailers, recreational vehicles, and other vehicles may be permitted adjacent to the side or rear of a principal building provided such storage areas are not located within a minimum required side or rear yard setback and the storage is visually screened (all year long) from any adjacent existing or future country or urban residential areas and the highly visible interface with Highway 550 and Highway 873. All storage must be related to and be an integral part of the commercial or business light industrial operation located on the subject site. Outside storage is prohibited in the front yard of a principal building. Whenever possible, storage shall be highly encouraged to be located inside buildings.

14. Extended vehicle parking and/or vehicle storage (e.g. storage of product inventory) is not permitted in the front yard of a principal building. All parking must be provided on-site, as parking shall not be permitted on adjacent municipal roadways.

15. Outside display areas are permitted provided that they are limited to examples of equipment, products, vehicles or items sold by the commercial or business light industrial use located on the subject site containing the display area, are not located within any required setback, and are not located on any required and approved landscaping area.

16. A vehicle or equipment which is in a dilapidated or dismantled condition shall not be allowed to remain outside a building or on a vacant lot in any commercial or industrial district.

17. Fencing shall only be utilized for the visual screening of outside storage, waste/garbage, equipment, product, vehicles or for security purposes provided it is located in the side or rear yards of the principal building. Decorative fencing may be permitted in the front yard of a principal building in compliance with the County's Land Use Bylaw and the approved architectural controls.

18. Site lighting shall incorporate "night sky" lighting with fixtures to direct light towards the ground and minimize impact on adjacent sites and uses.

Signage

19. Billboard signs are prohibited within the area shown as Planning Area 2 (see Map 3 –Planning Areas) of the IMDP.

20. No signage shall be illuminated by way of any flashing, intermittent or animated illumination within the IMDP area.

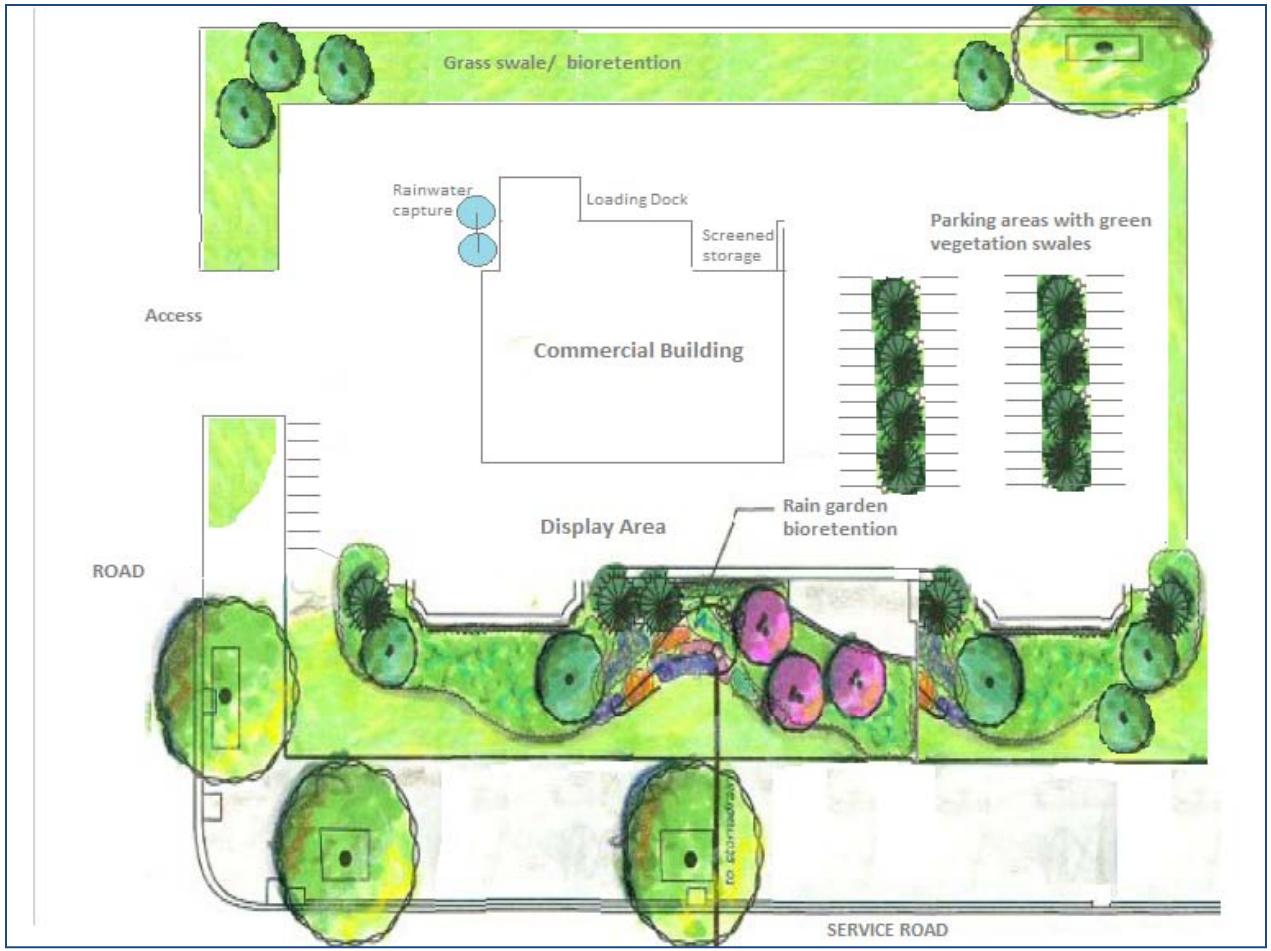
21. Architectural Controls shall comply with this section of the IMDP and inform the quality of the built environment and shall include but not be limited to the following (at a minimum):
    a. Building design
    b. Building interface treatments
    c. On-site parking and loading
    d. Site lighting
    e. Outside storage
    f. Outside display
    g. Landscaping
    h. Fencing and screening
    i. Signage
    j. Interface / Transition / Buffer conditions and design (between differing uses, highly visible areas, etc.).

22. All development within the development control zone (300 metres from the right-of-way or within 800 metres of the centerline of an intersection) of Highway 550 or Highway 873 shall require a roadside development permit from Alberta Transportation or alternatively, written authorization from Alberta Transportation stating that a roadside development permit is not required as part of the proposed development project. This information shall be submitted by an applicant at the time of submission of a development permit application to the County.

23. As a condition of any development or subdivision approval, the County may stipulate that any or all of the aforementioned standards and guidelines be included in Architectural Controls to be registered as a restrictive covenant on title(s) by the developer.

Low Impact Development (LID)

Concept Examples



Source: ORRSC

Development and Design Examples

Encouraged Minimum Site/Building/Design "Quality" & Standards









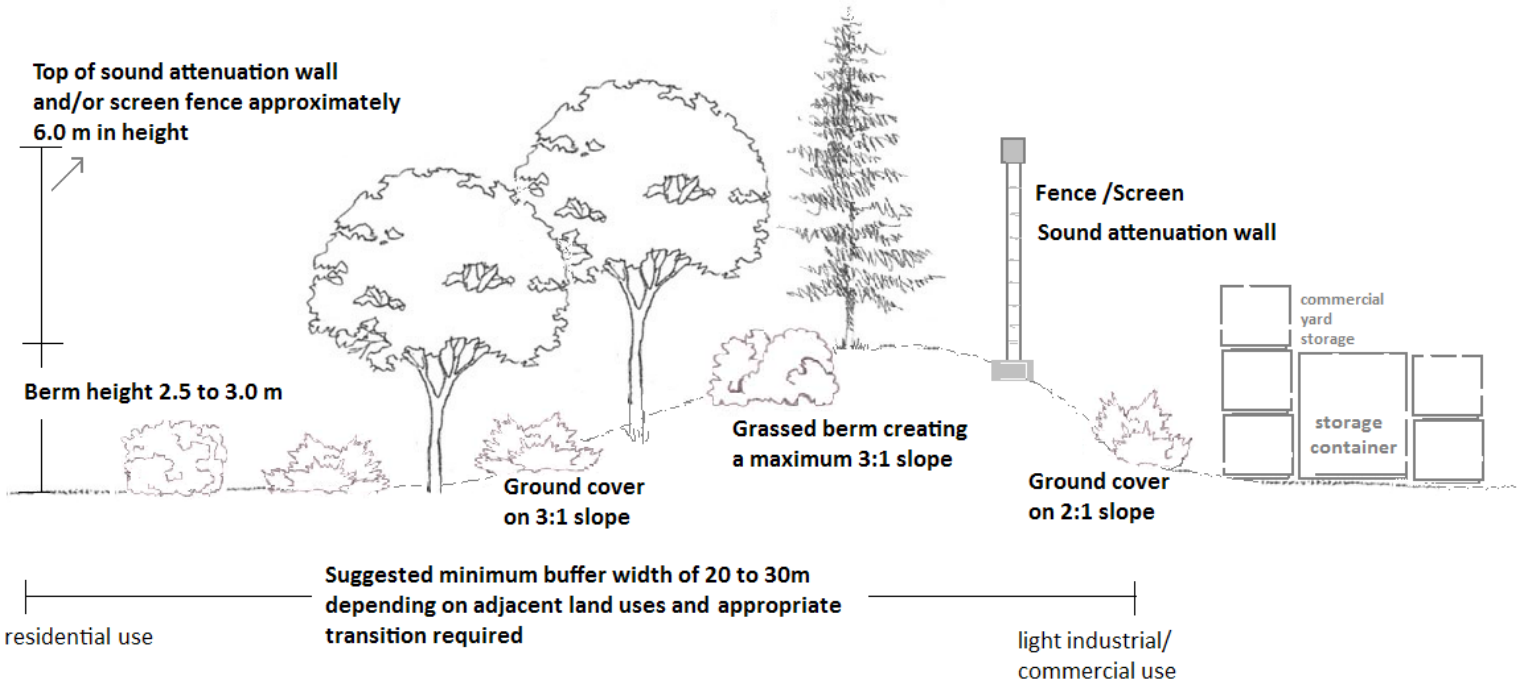




Development and Design Example

Encouraged Buffering/Transition Techniques

BUFFERING TECHNIQUES



Source: ORRSC
Note: Drawing not to scale and to be used for illustrative purposes only.

APPENDIX C
DEFINITIONS

Accessory Building means a building or structure, incidental, subordinate and located on the same lot as the principal building, but does not include a building or structure used for human habitation.

Accessory Use means a use of a building or land, which is incidental to and subordinate to the principal use of the site on which it is located.

Adjacent Land means land that abuts or is contiguous to the parcel of land that is being described and includes land that would be contiguous if not for a highway, road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway, or similar feature and any other land identified in a land use bylaw as adjacent for the purpose of notifications under the Municipal Government Act.

Agricultural Land, Higher Quality means:

(a) land having a Canada Land Inventory (CLI) classification of 1-4, comprising 64.8 ha (160 acre) parcels of dryland or 32.4 ha (80 acre) parcels of irrigated land;

(b) land contained in an irrigable unit;

(c) land having a CLI classification of 5-7 with permanent water rights, with the exception of:

  (i) cut-off parcels of 4.0 ha (10 acres) or less. To be considered a cut-off, a parcel must be separated by:
    - a permanent irrigation canal as defined by the irrigation district,
    - a permanent watercourse normally containing water throughout the year,
    - a railway,
    - a graded public roadway or highway,
    - an embankment, or
    - some other physical feature,

  which makes it impractical to farm or graze either independently or as part of a larger operation, including nearby land;

  (ii) land which is so badly fragmented by existing use or ownership that the land has a low agricultural productivity or cannot logically be used for agricultural purposes. For the purpose of subdivision, fragmented land may be considered to be land containing 8.1 ha (20 acres) or less of farmable agricultural land in CLI classes 1-4.

Agricultural Operation means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:

(a) the cultivation of land;

(b) the raising of livestock, including game-production animals within the meaning of the "Livestock Industry Diversification Act" and poultry;

(c) the raising of fur-bearing animals, pheasants or fish;

(d) the production of agricultural field crops;

(e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;

(f) the production of eggs and milk;

(g) the production of honey (apiaries);

(h) the operation of agricultural machinery and equipment, including irrigation pumps on site;

(i) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;

(j) the collection, transportation, storage, application, use transfer and disposal of manure; and

(k) the abandonment and reclamation of confined feeding operations and manure storage facilities.

Agricultural Service Board means the County of Newell board which provides agricultural services, information and new technology in liaison with other governments, jurisdictions, agencies and industry by establishing policy that insures statutory requirements and the collective interests of clients are met. Several key pieces of provincial government legislation that are enforced are the Weed Control Act; the Agricultural Service Board Act; the Soil Conservation Act; the Agricultural Pests Act and the Agricultural Chemicals Act.

Architectural Controls means special standards or controls applied to development which are often restrictive in nature. Typically this includes a specified building scheme that applies to building details, such as building types, finish, colors and materials, fences or landscaping. These controls may be registered by a Restrictive Covenant at the time a plan of survey is filed with Land Titles Office.

Area Structure Plan means a statutory plan in accordance with the Municipal Government Act and the County of Newell Municipal Development Plan for the purpose of providing a framework for subsequent subdivision and development of an area of land in a municipality. The plan typically provides a design that integrates land uses with the requirements for suitable parcel densities, transportation patterns (roads), stormwater drainage, fire protection and other utilities across the entire plan area.

Assignment of Jurisdiction means the same as the provincial department of Transportation meaning and refers to Alberta Transportation allowing a portion of public road located in one municipal jurisdiction to be signed over by agreement to another municipal jurisdiction for control and maintenance.

Best Management Practices (BMPs) means practices and methods of managing stormwater drainage for adequate flood control and pollutant reduction by using the most cost-effective and practicable means that are economically acceptable to the community. Typically, BMPs are stormwater management methods that attempt to replicate as much of the 'natural" run-off characteristics and infiltration components of the undeveloped system as possible and reduce or prevent water quality degradation.

Building Site means a specific portion of the land that is the subject of an application on which a building can or may be constructed (Subdivision and Development Regulation AR 43/2002).

Buffering or buffer strips means an area of land including landscaping, berms, walls, fences, or a combination thereof, that is located between land use districts and land uses of different character and is intended to mitigate negative impacts through the physical and visual separation and sound attenuation of the more intense use (e.g. commercial or industrial) from uses such as residential or public institutional.

Clustered Development means a design technique that concentrates buildings and/or uses in specific areas on a site(s) to allow the remaining land to be used for recreation, open space, transitional/ buffer area, or the preservation of historically or environmentally sensitive features.

Commercial Use means the use of land and/or buildings for the purpose of public sale, display and storage of goods, merchandise, substances, materials and/or services on the premises. Any on-premises manufacturing, processing or refining of materials is typically incidental to the sales operation.

- **Commercial Establishment** means a building, or part thereof, for the sale of goods or services to the general public.
- **Commercial, Isolated** means the same as the County of Newell Land Use Bylaw definition.
- **Commercial, Highway** means commercial development located adjacent to a provincial highway whereby the primary purpose and intent is to provide for a broad range of commercial uses to serve the convenience needs of the travelling public and local residents.
- **Commercial, Retail** means the retail sales with the use of a building, or part of a building, where goods, wares, merchandise, substances, articles, food, or things are stored and are for sale at retail price and includes storage on the premises of limited quantities of such goods, wares, merchandise, substances, articles, food, or things sufficient only to service such store. Examples of this use may include but not be limited to, department stores, hardware stores, convenience stores, pharmacies, grocery stores, clothing stores, shoe stores, and gift stores.

Committee means the Intermunicipal Development Plan or Joint Planning Committee established in this Plan.

Conceptual Design Scheme means a general site layout plan which provides for the orderly development of a parcel or group of parcels, usually for less than five lots. It is a planning tool which is a type of "mini" area structure plan, usually less detailed, typically illustrating lot layouts and sizes, roads, topography and general servicing information. It is usually not adopted by bylaw, but may be if the municipality desires to do so.

Concept Plan means a generalized plan indicating the boundaries of a parcel or parcels of land which identifies (at a minimum) the proposed land use, land-use intensity, and road and infrastructure servicing alignments and/or linkages.

Confined Feeding Operation (CFO) means an activity on land that is fenced or enclosed or within buildings where livestock is confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and requires registration or approval under the conditions set forth in the *Agricultural Operation Practices Act (AOPA),* as amended from time to time, but does not include seasonal feeding and bedding sites.

CFO Exclusion Area means the area within the Intermunicipal Development Plan where new confined feeding operations (CFOs) are not permitted to be established or existing operations allowed to expand.

Core Area Concept means a defined area within this Plan where future non-agricultural development has been clustered or concentrated in a central area of the Plan for future development in a planned, managed and orderly manner.

Country Residential, Grouped means existing or proposed residential uses on more than two adjacent parcels of less than the minimum extensive agricultural parcel size, and may consist of the yard site of a former farmstead.

Country Residential, Isolated means one or two existing or proposed country residential uses.

Country Residential Use means a use of land, the primary purpose of which is for a dwelling or the establishment of a dwelling in a rural area, whether the dwelling is occupied seasonally, for vacation purposes or otherwise, or permanently.

County means the County of Newell.

Deferred Servicing/Development Agreement means an agreement made in consideration of sections 650 or 654 of the Municipal Government Act, between a developer and the municipality for the provision of services to serve the development, whereby the municipality may agree to have the developer delay or defer the requirements to provide or construct those services at a later date (as defined in the agreement); or, to require the developer to tie-in to major municipal infrastructure at any time in the future whereby it may be installed to or past the property line of the parcel or development project, when the services were not initially installed or available in the location of where the development occurred.

Development means:

(a) an excavation or stockpile and the creation of either but does not include turning over soil with no immediate activity on the land in the near future; or

(b) a building or an addition to, or replacement or repair of a building and the construction or placing of any of them in, on, over or under land; or

(c) a change of use, or a building, or an act done in relation to land or a building that results in, or is likely to result in, a change in the use of the land or building; or

(d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in, or is likely to result in, a change in the intensity of use of the land.

Development Cells mean those individual and defined development areas that are referred to in this Plan (and associated mapping) in providing for the orderly and managed growth through the appropriate staging or sequencing of development of those specified lands as articulated in this Plan.

Discretionary Use means the use of land or a building in a land use district for which a development permit may be approved at the discretion of the Development Authority with or without conditions.

District means a defined area of a municipality as set out in the land use district schedule of uses and indicated on the Land Use District Map.

Dispute Settlement or Resolution means a formal process that provides the means by which differences of view between the parties can be settled, in a peaceful and cooperative manner. These differences may be over their opinions, interpretations, or actions of one party in regards to decision making in the IMDP plan area or interpretation of the IMDP policies.

Dwelling Unit means self-contained living premises occupied or designed to be occupied by an individual or by a family as an independent and separate housekeeping establishment and in which facilities are provided for cooking and sanitation. Such units include single-detached dwellings, modular homes, manufactured homes and moved-in buildings for residential use.

Endeavour to Assist means an agreement and process used by a municipality to compensate initial developers who may oversize or install infrastructure to service their development, where later developments may access or tie-in to those services, and is typically addressed through clauses in the Development Agreement. These Endeavour to Assist Agreements are put in place to assist developers who install infrastructure as a front end service that will be a benefit to adjacent developers in the future. Any cost recovery required through such agreements is over and above the off-site levies attached to any specific parcel.

Extensive Agriculture means the general raising of crops and grazing of livestock in a non-intensive nature, typically on existing titles or proposed parcels usually 64.8 ha (160 acres) on dryland or 32.4 ha (80 acres) on irrigated land.

Farmstead means an area in use or formerly used for a farm home or farm buildings or both and which is impractical to farm because of the existing buildings, vegetation or other constraints.

Farming means the use of land or buildings for the raising or producing of crops and/or livestock but does not include a confined feeding operation for which a registration or approval is required from the Natural Resources Conservation Board.

First Parcel Out means the first subdivision from a previously unsubdivided quarter-section of land. The subdivision authority may consider a quarter-section to be unsubdivided if the previous subdivisions were for the purpose of public or quasi-public use.

Freestanding Sign means any sign or display supported by a freestanding column or structure.

Fringe or Urban Fringe means the approximate one to two mile area around the municipal boundary of an urban municipality and includes the designated Rural Urban Fringe district of the County of Newell Land Use Bylaw.

Industrial land use:

- **Light Industrial** means industrial uses that provide for a high-quality development and that operate in such a manner that no nuisance factor is created or apparent outside of an enclosed building. Limited outdoor activities (loading, service, storage, display, or the like) that are accessory to a principal use may occur providing the scale of such activities does not unduly conflict with the primary purpose, character or nature of a business light industrial use/district or dominate the use of the site. Business light industrial use areas are intended for sites typically located in a planned business centre or office park environment that are located in highly visible and accessible locations and display a higher standard of design and appearance (inclusive of site, building and landscape designs). Examples of this use may include but not be limited to, automotive and recreation vehicle storage, sales, rentals and service; machinery and equipment sales, rental and service; farm service product sales; bulk fuel storage and sales; car/truck wash; warehousing; storage and distribution, light industrial processing and manufacturing; garden centres; offices; professional services; and business support services.
- **Isolated Light Industrial** means industrial uses located or proposed to be located on parcels of land not adjacent to other proposed or existing industrial uses, and that, in the opinion of the Development Authority, would not substantially change the agricultural characteristics of an area.
- **Industrial** means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices and warehousing and wholesale distribution use which are accessory uses to the above, provided that the use does not generate any detrimental impact, potential health or safety hazard, or any nuisance beyond the boundaries of the developed portion of the site or lot upon which it is situated.
- **Noxious or heavy Industrial** means industry which involves processing of an extractive or agricultural resource which is deemed to be hazardous, noxious, unsightly or offensive (smoke, dust, glare) and cannot therefore be compatibly located in proximity of a residential environment. Examples should include, but are not limited to: anhydrous ammonia storage, abattoirs, oil and gas plants, seed cleaning plants, bulk fuel depots, livestock sales yards, gravel/sand puts or stone quarries, auto wreckers or other such uses determined by the Development Authority to be similar in nature.

Intensive Agriculture means any concentrated method used to raise crops or to rear or keep livestock, animals, poultry or their products for market, including such operations as horse riding stables, poultry farms, pastures, fur farms, tree farms, sod farms, apiaries, dairies, and similar specialty uses conducted as the principal use of a building or site.

Low Impact Design means a term used to describe a land planning and engineering design approach to manage stormwater runoff which emphasizes consideration and use of on-site natural features to protect water quality. It uses a set of best management practices (BMPs) which seek to reduce stormwater quantity and improve stormwater quality at its source.

Intermunicipal Development Plan (IMDP) Committee means the members assigned by each respective council to the Joint Planning Committee for the purposes of administering and monitoring the Intermunicipal Development Plan.

Intermunicipal Development Plan (IMDP) Boundary means the agreed to area the IMDP will govern and is the referral area for the plan and all development applications and statutory bylaw amendments on lands within the identified plan area that will be referred to the IMDP Committee.

May means, within the context of a policy, that a discretionary action is permitted.

MGA means the Municipal Government Act Revised Statutes of Alberta 2000, Chapter M-26, as amended**.**

Mixed Use means the land or a identified parcel may be used or designated for more than one specific type of land use, and typically involves some type of residential use mixed with commercial and/or public/institutional.

Municipal Council within the boundary of the Village of Duchess means the Duchess Council, and within the boundary of the County of Newell means the County Council.

Municipal Development Plan means a statutory plan, formerly known as a general municipal plan, adopted by bylaw in accordance with section 632 of the MGA, which is used by municipalities as a long-range planning tool.

Noxious Use means a use, usually industrial or commercial in nature which, by reason of emissions (i.e. air, water, glare or noise), is hazardous to human health, safety or well-being and cannot reasonably be expected to co-exist in proximity to population concentrations.

Nuisance means any use, prevailing condition or activity which adversely affects the use or enjoyment of property or endangers personal health or safety.

Off-Site Levy means the rate established by a municipal Council that will be imposed upon owners and/or developers who are increasing the use of utility services, traffic services, and other services directly attributable to the changes that are proposed to the private property. The revenues from the off-site levies will be collected by the municipality and used to offset the future capital costs for expanding utility services, transportation network, and other services that have to be expanded in order to service the needs that are proposed for the change in use of the property.

Overlay Plan means the same as Shadow Plan.

Permitted Use means the use of land or a building in a land use district for which a Development Authority shall issue a development permit with or without conditions providing all other provisions of the Bylaw are conformed with.

Plan means the County of Newell and Village of Duchess Intermunicipal Development Plan.

Principal Building or Use means the building or use of land or buildings that constitutes the dominant structure or activity of the lot.

Provincial Highway means a road development as such by Ministerial Order pursuant to the Highway Traffic Act and described by plates published in the Alberta Gazette pursuant to Alberta Reg. 164/69 as 500, 600, 700 and 800 series or Highways 1 and 36.

Provincial Land Use Policies means those policies adopted by the Minister of Municipal Affairs pursuant to section 622(1) of the Municipal Government Act.

Public and Quasi-Public Building and Uses means a building or use which is available to or for the greater public for the purpose of assembly, instruction, culture or community activity and includes, but is not limited to, such uses as a school, church, cemetery, community hall, educational facility, parks or government facilities.

Quasi-urban development means development which is somewhat or partially similar in nature, appearance and standards to urban development, but it is not fully at that scale or level. In other words, it may be categorized as a relaxed urban standard or a higher rural standard than what is normally applied or considered typically rural.

Public Roadway means:

(a) the right-of-way of all or any of the following:
    (i) a local road or statutory road allowance,
    (ii) a service road,
    (iii) a street,
    (iv) an avenue, or
    (v) a lane,
    (vi) that is or is intended for public use; or

(b) a road, street or highway pursuant to the Public Highways Development Act.

Public Utility means a system, works, plant, equipment or service owned and operated by a municipality or corporation under agreement with or franchised by the municipality, or by a corporation licensed under a Federal or Provincial Statute and which furnishes services and facilities to the public and includes, but is not limited to:

(a) communication by way of telephone, television or other electronic means;

(b) public transportation by bus or other means; and

(c) production, transmission, delivery or furnishing of water, gas or electricity to the general public.

Retail-node means an identifiable commercial/retail grouping or cluster of uses subsidiary and dependent upon a larger grouping of similar or related uses.

Road Network Concept means a conceptual plan for the future road network in the plan area which identifies the general location, layout, intersections and access points, and also integrates/aligns with the adjacent Village of Duchess road system and adjacent highway systems.

Setback means the perpendicular distance that a development must be set back from the front, side, or rear property lines of the building site as specified in the particular district in which the development is located.

Shadow Plan means a conceptual design drawing which indicates how parcels of land may be further subdivided and typically illustrates minimum sized urban lots, road alignments to adjacent road networks, servicing corridors and building pockets as to where dwellings should be located, so as not to fragment land or interfere with urban growth plans.

Shall or Must means, within the context of a policy, that the action is mandatory.

Should means within the context of a policy that the action is strongly encouraged but it is not mandatory.

Site means a lot, a group of contiguous lots or portion of a lot on which a building or use exists or which is, in the opinion of the Development Authority, the subject of an application for a Development Permit.

Smart Growth or Compact Design is a term used to describe approaches to managing the growth and development of communities that aim to improve environmental, economic and social sustainability, particularly by reducing urban sprawl and dependence on the automobile for transportation. It means more compact, higher-density and promotes mixed-use, especially along connecting corridors. Smart growth policies are intended to integrate land-use and infrastructure planning, fiscal and taxation measures, sustainable energy and regional governance.

Stormwater Management Plan (SWMP) means a plan completed by a licensed professional engineer that proposes to manage the quality and quantity of stormwater, or run-off, collected and/or released from a parcel(s) into the watershed.

Soils Classifications means the classification of soils in accordance with the Canadian Land Inventory on the basis of soil survey information, and are based and intensity, rather than kind, of their limitations for agriculture.

Traffic Impact Assessment (TIA) means an evaluation or analysis completed by a licensed professional engineer (typically specializing in traffic) of the effect(s) of traffic generated by a development on the capacity, operations, and safety of a public road or highway and generally includes summary of any mitigation measures or roadway improvements required. The analysis should provide a basis for determining the developer's responsibility for specific off-site improvements.

Transition means an area of land in the process of changing from one use to another or an area which functions as a buffer between land uses of different types or intensity.

Village means Village of Duchess.

Waiver or Variance means a relaxation of the numerical standard(s) required of a development as established in the land use bylaw. A waiver cannot be granted for use.

Working Area means those areas that are currently being used or that still remain to be used for the placing of waste material, or where waste processing or a burning activity is conducted in conjunction with a hazardous waste management facility, landfill or storage site (Subdivision and Development Regulation AR 43/2002).

Xeriscaping (xerigardening) means landscaping and gardening in ways that reduce or eliminate the need for supplemental water from irrigation and includes plants whose natural requirements are appropriate to the local climate are emphasized. Xeriscaping refers to a set of principles that are practical and environmentally friendly, and while it may incorporate rocks and gravel it does not focus on it, but on greenery.