



**Submission of the County of Stettler No. 6 to Alberta Utilities  
Commission - Proceeding 29258**

**Red Willow Solar and Energy Storage Project**

Prepared by Craig Teal, RPP MCIP, Director of Planning & Development on behalf  
of Council for the County of Stettler No.6

**PART 1: Introduction**

[1] This submission has been prepared by the County of Stettler in response to the applications filed with the Alberta Utilities Commission (“AUC”) for approval of a solar power plant, energy storage facility and power substation located within the jurisdictional boundaries of the County of Stettler. The submission is being made on behalf of County Council and has been prepared by County of Stettler Planning & Development staff (see Appendix A for curriculum vitae). The submission seeks to:

- Outline the land use planning policies and regulations of the County of Stettler that apply to the proposed project, and
- Provide County Council’s perspective on the proposed change in land use and the development of the proposed project.

**Project Description and Understanding**

[2] The proposed project is a solar power plant with a capacity to generate 225 MW of energy, a battery storage system with a capacity of 100 MW, and a power substation (the “Project”). Ancillary improvements include an operations and maintenance facility, perimeter fencing, underground electrical conduit and wiring, and onsite gravel access routes.

[3] The Project occupies a portion of twelve (12) quarter sections in the area southeast of the Hamlet of Red Willow (the “Project Site”). All these quarter sections are between Highway 601 (north boundary) and Township Road 40-0 (south boundary). Eleven (11) of these quarter sections are between Range Road 18-3 (west boundary) and Range Road 18-1. One (1) quarter section is immediately east of Range Road 18-1. The location of the Project is outlined in the Project Layout filed as Exhibit 29258\_X0116. The quarter sections in the Project Site are:

NW 12-40-18-4	SW 11-40-18-4	NE 3-40-18-4
NE 11-40-18-4	NE 10-40-18-4	NW 3-40-18-4
NW 11-40-18-4	SE 10-40-18-4	SE 3-40-18-4
SE 11-40-18-4	SW 10-40-18-4	SW 3-40-18-4

- [4] The total area of titled land involved in the Project is approximately 768 hectares (1,897 acres). Improvements related to the Project are expected to occupy approximately 386 hectares (953 acres) within the larger Project Site. The Project Site is the subject of several lease agreements with the respective registered owners.
- [5] The solar power plant consists of approximately 484,000 solar modules on fixed (non-tracking) bifacial panels mounted in rows on select portions of the twelve (12) quarter sections forming the Project Site. Rows are oriented east-west. The height of a typical row is expected to be approximately 3.2m measured from grade to panel top. The spacing between rows is expected to be approximately 10.5m measured from mid-point of each row. The rows are connected to inverters and transformers using an onsite underground collection system.
- [6] The portions of each quarter section within the Project Site that are not occupied by rows of panels are intended to be left in a natural state or as part of a buffer along Red Willow Creek and around local wetlands contained within the Project Site. The NE 10 and the NW 12 each contain one existing dwelling with agricultural fields separating the dwelling sites from the rows of panels.
- [7] The battery storage system is proposed for the NE 10 in a compound with an approximate area of 1.2 hectare (3 acre). It is conceptually shown on the Project Layout as immediately west of a future power substation that would link the Project to the transmission lines running east-west through the Project Site. The storage system will consist of a series of lithium-ion batteries arranged in 13 to 14 rows.
- [8] The power substation is proposed for the NE 10 immediately north of the existing transmission lines.
- [9] The operations and maintenance facility is made up of a control building, office trailer and two storage containers. It is proposed for the NE 10 to the north of the proposed power substation and is accessed via Range Road 18-2.
- [10] Once operational, the number of employees on site and the daily traffic volumes associated with the Project are expected to be low. Highway 601 will serve as the main route to reach the Project Site.

## Proposed Agrivoltaics Plan

- [11] Red Willow Solar Inc. has provided an Agrivoltaics Plan for the Project Site. The intent of the plan is to demonstrate how agricultural use can continue to occur on the Project Site at the same time as the solar power plant. It notes that 546.1 hectares of the Project Site is currently cultivated, and 13.3 hectares is tame grassland. The cultivated land is presently seeded to annual crops rotating between wheat, barley and canola. Hay production has occurred in the past.
- [12] The recommended plan consists of:
- Haying most of the cultivated area with an alfalfa-grass blend and Promesse timothy that would be swathed and baled annually; and
  - Berry production near the “host landowner’s yard” (NE 10) with raspberry, strawberry, saskatoon and haskap plantings.
- [13] Haying is expected to play a key role in managing weeds and soil erosion. The planted area will extend underneath each panel row. Replanting is expected to be needed after 10 years. Harvesting would occur annually between the rows of solar panels and may require additional considerations for drying due to the shading effect of the panels. The plan notes there may be a need to invest in smaller equipment to maneuver between the panel rows. The plan does not provide an estimate of how much land can be actively hayed or the amount of hay production possible in favourable growing conditions.
- [14] The berry production in the NE 10 will also occur between panel rows. Initially it will start between one or two rows and then expand over time.
- [15] The plan appears to rely on the landowners rather than the facility operator to implement and carry out the Agrivoltaics Plan.

## **PART 2: County of Stettler – Statutory Plans and Land Use Bylaw**

- [16] The Project Site is subject to the County of Stettler Municipal Development Plan (the “MDP”) and the County of Stettler Land Use Bylaw (the “LUB”). There is no intermunicipal development plan, area structure plan, concept or outline plan that applies to the Project Site.
- [17] In addition to the MDP and LUB, the Project Site is subject to other County bylaws pertaining to topics as weed control, general traffic and use of County roads, and nuisances and unsightly property.

### **County of Stettler Municipal Development Plan**

- [18] The MDP is a broad-based policy document that covers all land in the County. There are no specific policies for a solar power plant and energy storage facility in the document. There are policies that have a bearing on the land use decision to convert agricultural land to a different use and policies that are applicable based on the types of issues associated with the Project. This includes the vision for land use planning established by the community, policies pertaining to the conversion of agricultural lands to non-agricultural uses, policies relating to compatibility between land uses, policies regarding natural features and policies relating to offsite impacts such as potential impacts to the County’s road network.
- [19] An overview of the MDP policies that are relevant to the consideration of the Project is provided below. The full text of the County of Stettler Municipal Development Plan is found in Appendix B.

### **MDP Vision and Guiding Principles**

- [20] The County’s current MDP was adopted in August 2009. The process to create the current plan involved significant public review and comment over the two years prior to its adoption by Council. The vision selected by the community includes the following key statements:

*“Foster the traditional rural lifestyle, support the rural sense of community, and encourage a thriving rural-based agricultural economy.”*

*“Preserve the rural qualities and agricultural characteristics of its landscape through growth management that balances the rural, historic, and natural areas that provide the community’s unique identities.”*

- [21] These statements are supported by a set of guiding principles. Three principles that are most applicable to the Project are:

*“Protect and Support Agricultural Uses*

*Agriculture is a fundamentally important part of the County’s identity as well as its economy. The approval of non-agricultural development must include considerations to limit its infringement upon and incompatibility with agricultural uses. If deemed necessary, buffers and separation requirements between residential and agricultural uses must be implemented to protect the integrity of agricultural operations.”*

*“Identify and Protect Environmentally Sensitive Areas*

*The County’s environmentally sensitive areas are important components of the County’s identity and vital to the environmental integrity of the County and region. As the County continues to grow increased pressures on environmental resources can be expected as development encroaches on sensitive natural areas.”*

*“Land Use Compatibility*

*The intensity, scale and design of new development must be compatible with adjacent land uses. Where necessary transitions and buffers must be provided to mitigate any adverse impacts on adjacent properties.”*

### Agricultural Development

- [22] The goal of this section of the MDP is to:

*“Recognize agriculture as a fundamentally important industry and agricultural lands as part of the natural capital in the County. Preserve the land base as the most significant and enduring resource that is irreplaceable and contributes immensely to the high quality of life enjoyed by the residents of the County. The use of natural capital must be carefully managed to retain its integrity and value for the benefit of future generations. The County is committed to preserving and protecting agricultural operations, promoting the viability and sustainability of farming and providing opportunities for a diverse range of rural lifestyle options.”*

[23] The objectives to “avoid or minimize conflict between agricultural and non-agricultural land uses”, to “*reduce the conversion of agricultural land to non-agricultural uses*” and to “*protect the agricultural based economy and rural lifestyle*” apply to the Project.

[24] Policy 4.1 establishes the lands that are considered “agricultural lands” for the purposes of applying the MDP policies and reads:

*“4.1 All land within the Agricultural District of the Land Use Bylaw is considered farmable in one way or another and is considered a part of the natural capital in the County.”*

The Project Site is designated “Agricultural District (A)” under the County of Stettler Land Use Bylaw and is therefore considered “agricultural lands” for the application of MDP policies.

[25] Policies 4.2, 4.3 and 4.4 speak to the preference for agricultural use of land as the primary activity across the County. The policies read as follows:

*“4.2 The use of agricultural lands is intended primarily for agricultural purposes. However, the use of agricultural lands by non-agricultural uses may be allowed in accordance with the provisions of this plan, as well as federal and provincial regulations.”*

*“4.3 The County will notify applicants proposing non-agricultural developments on or adjacent to agricultural land that agricultural operations in the Agricultural District have precedence over all other forms of land use. The County will develop and maintain a ‘Rural Code’ brochure to inform residents of these matters.”*

*“4.4 In addition to the measures stipulated in Policy 4.3, the County will require non-agricultural land uses to respect, and will not allow them to limit, any existing or new agricultural operations within the Agricultural District to the County’s satisfaction, including but not limited to hours of operation, noises and odours, and traffic movements.”*

### Commercial and Industrial Development

[26] The goal of this section of the MDP is stated as follows:

*“The County recognizes commercial and industrial development as a vital part of the economic base, as a critical means to maintain a diversified lifestyle for County residents*

*and as a particularly important component of the municipal assessment base. As such the County is “open for business” and encourages and invites appropriate new commercial and industrial developments that enhance and diversify the local economy and increase local employment activities.”*

[27] The objectives to “*promote the establishment of a strong, diversified local economy*”, “*encourage the development of a variety of commercial and industrial land uses that contribute to a sustainable community*”, and “*promote commercial and industrial development that minimizes any potential adverse impacts on adjacent land uses*” are relevant to the Project.

[28] Policy 7.3 addresses isolated industrial uses, meaning industrial uses not located within a planned industrial subdivision or park. The policy states:

*“7.3 Isolated commercial and industrial uses outside business parks may be considered, provided the proposed development can address the following characteristics to the satisfaction of the County:*

- a) The proposed development requires an isolated location;*
- b) The type, scale, size, and site design of the proposed development are appropriate for the area and compatible with adjacent uses;*
- c) The site characteristics are suitable for the proposed development;*
- d) The proposed development would not adversely impact the municipal road network;*
- e) The site can be serviced with on-site water supply and private sewage disposal systems; and*
- f) Any other safety or environmental issues have been addressed.”*

## Natural Environment

[29] The objective to “*minimize the impacts of development on the natural environment*” has a bearing given the proximity of the Project to one or more wetlands. Policy 8.5, based on the Municipal Government Act’s broad definition of “water body”, which includes wetlands, is applicable. It reads:

*“8.5 To encourage the protection of riparian zones, the minimum width of an environmental reserve adjacent to a waterbody or, in the absence of an environmental reserve, the minimum width of a development setback from a waterbody shall be 30 metre (100 feet) measured from the bed and shore of the water body or from an associated water management right-of-way to the nearest boundary of private property, subject to the discretion of the County. Retention or new planting of natural vegetation*

*is encouraged within the building setback as a means of enhancing water quality through sediment and contaminant removal and biodegradation.”*

### Transportation and Utilities

- [30] The applicable objective is to “plan and manage the transportation system in cooperation with Alberta Transportation and neighbouring municipalities that provides for the safe and accessible movement of people and goods.”
- [31] Policy 9.9 connects approval of development with impacts on roadway safety and reads:
- “9.9 The County requires that the following criteria associated with roadway safety are satisfied in all subdivision and development applications:*
- a) Limiting the number and type of access points onto provincial highways (in consultation with Alberta Transportation) and municipal roadways;*
  - b) Requiring the proposed subdivision and/or development application to provide for service roads; shared access points; or access via a local road; and*
  - c) Any other criteria deemed appropriate by the County or Alberta Transportation.”*

### **County of Stettler Land Use Bylaw**

- [32] The Project Site is designated Agricultural District (A) under the County of Stettler Land Use Bylaw.
- [33] The Agricultural District (A) lists “*Public or Private Road and Utility, except windmill and stand-alone solar panel in or adjacent to a hamlet or multi-lot subdivision*” as a permitted use within this District. The full text of the District is found in Appendix C.
- [34] The use “Public or Private Road and Utility” is defined as:
- “Public or Private Road and Utility means a development used to provide one or more of the following for public or private consumption, benefit, convenience or use:*
- (a) water; waste water or storm water;*
  - (b) a road, railway line, thoroughfare or bridge for the purpose of transportation, but excluding for storage purposes (e.g. railway yard or terminal facilities);*
  - (c) television reception through a satellite dish antenna or other means;*
  - (d) telephone;*
  - (e) drainage ditch;*
  - (f) natural gas;*

- (g) electric power; or,  
(h) heat.

*Public or Private Road and Utility includes electric power and heat utilities generated by wind, solar or other alternative technologies, as well as the buildings required to operate the Public or Private Road and Utility. A stand-alone solar panel means that it is not attached to the roof of a building. Public or Private Road and Utility does not include a Waste Management Facility.”*

- [35] The Project Site is not located in a hamlet and are not located next to a multi-lot subdivision.
- [36] An amendment to the LUB or a re-designation application is not required prior to the consideration of a development permit application for a *“Public or Private Road and Utility, except windmill and stand-alone solar panel in or adjacent to a hamlet or multi-lot subdivision”* on the Project Site.
- [37] A development permit approval is required for the proposed Project.
- [38] Within the Agricultural District (A), the following yards and setbacks are required for the Project:
- 40m (131 ft) to 50m (164 ft) measured from the south edge of the Highway 601 right of way as determined by Alberta Transportation and Economic Corridors in an approved Roadside Development Permit
  - 38.1m (125 ft) measured from the centreline of Range Road 18-1 for buildings and 22.9m (75 ft) measured from the centreline of Range Road 18-1 for shelterbelts and planted vegetation
  - 38.1m (125 ft) measured from the centreline of Range Road 18-2 for buildings and 22.9m (75 ft) measured from the centreline of Range Road 18-2 for shelterbelts and planted vegetation
  - 38.1m (125 ft) measured from the centreline of Range Road 18-3 for buildings and 22.9m (75 ft) measured from the centreline of Range Road 18-3 for shelterbelts and planted vegetation
  - 7.62m (25ft) measured from the boundary of any quarter section that does not abut a road right of way

- [39] The maximum building height for a principal building is 32.8ft (10m) and the maximum building height for an ancillary building is 22ft (6.7m)
- [40] Sight triangle restrictions apply to the portion of the NE 11 near the intersection of Highway 601 and Range Road 18-1 and to the portion of the SE 3 near the intersection of Range Road 18-2 and Township Road 40-0.
- [41] One or more of the yard requirements, setback requirements, sight triangle requirements or building heights may be the subject of a variance request under Section 23 of the LUB at the time of development permit application.
- [42] Section 92.7 of the Agricultural District (A) reads:

*“92.7 The permitted and discretionary uses and the standards and regulations of this District are subject to the relevant provisions of the Municipal Development Plan and any applicable inter-municipal development plan or area structure plan.”*

This provides a link between the MDP policies, especially those related to land use compatibilities and offsite impacts of a proposed development, and the decision made on a development permit application.

- [43] Section 24.1 of the LUB (full text is found in Appendix C) allows the Development Authority to attach a broad range of conditions to a decision on a development permit application. These include:

“(l) the size, location, orientation, appearance and character of a site, a building or other structure;”

“(o) site grading;”

“(q) completion of detailed plans and construction drawings illustrating access, site layout, landscaping, parking, building elevations, signs, storm water management and/or utility servicing;”

“(s) to ensure that the design, character, and appearance of a building, including its height, are compatible with and complementary to the surrounding area;”

“(x) any other condition to ensure the proposed development is compatible with surrounding land uses; and”

“(y) any condition deemed necessary to ensure that the development complies with the Municipal Government Act, any regulation or standard stated in this Bylaw, and any applicable statutory plan.”

- [44] The decision on the development permit application must be advertised to allow any affected party to exercise their appeal rights. Any appeal of the development permit decision for the Project would be heard by the Land and Property Rights Tribunal if the lands are the subject of an AUC approval.

### **PART 3: County Perspective on Land Use Change and Planning Issues**

#### Introduction

- [45] This portion of the County’s submission addresses the County’s views and position on the suitability of the proposed power generation and storage facility use on agricultural lands. It provides the County’s perspective on how the change in land use relates to the local planning policies established by the County and the County’s perspective on the “agriculture first” policy expectations of the Government of Alberta.
- [46] The County’s views on how best to manage planning issues related to the development, if an approval is granted by the AUC, are also provided. Some of the topics addressed continue to be the subject of discussions between the County and Red Willow Solar Inc. as of the date this submission was prepared. If a mutually agreeable approach is reached on one or more of the other topics, this will be communicated to the AUC through a further joint submission regarding commitments to be made by Red Willow Solar Inc. and submitted under separate cover through e-filing.

### **Use of Agricultural Lands for Power Generation and Storage Facility**

#### County of Stettler Municipal Development Plan

- [47] The overarching policy document that guides the County’s land use planning decisions is the County of Stettler Municipal Development Plan. The Municipal Development Plan sets out an overall vision regarding the type of physical setting and character that is desired by the County community. A set of guiding principles builds on the vision and guides land use decisions in the achievement of the vision.

[48] The following statement is part of the vision in the Municipal Development Plan:

*“Foster the traditional rural lifestyle, support the rural sense of community, and encourage a thriving rural-based agricultural economy.”*

[49] It is supported by the following guiding principle:

*“Protect and Support Agricultural Uses*

*Agriculture is a fundamentally important part of the County’s identity as well as its economy. The approval of non-agricultural development must include considerations to limit its infringement upon and incompatibility with agricultural uses. If deemed necessary, buffers and separation requirements between residential and agricultural uses must be implemented to protect the integrity of agricultural operations.”*

[50] The two above statements speak to the desire of the community to maintain land in agricultural production as a key aspect of the community’s character as well as a critical pillar of the local economy. They are further reinforced by objectives under the Agricultural Development section of the Municipal Development Plan which include to: *“reduce the conversion of agricultural land to non-agricultural uses”* and to *“protect the agricultural based economy and rural lifestyle.”*

[51] The County’s MDP starts with the view that all land that is designated “Agricultural District” under the County of Stettler Land Use Bylaw is farmable in some manner and is agricultural land. The County’s policies acknowledge that non-agricultural uses also need to be accommodated and sets out criteria for these considerations.

#### County Approach to Similar Land Use Decisions

[52] Under the County of Stettler Municipal Development Plan the starting point for land use policy decisions can be characterized as “agricultural production first, other land uses second.” This does not mean that non-agricultural uses do not exist or will not be considered for approval. The policies require the County to make decisions on a case-by-case basis and to consider the trade-offs that may be associated with each decision.

[53] When the County makes decisions to allow lands to be converted from agricultural use to non-agricultural use, the decision may involve:

- a farmstead removal, meaning the creation of a new title around an existing dwelling and farm buildings, from the remainder of the quarter section to facilitate succession planning or transfer of the productive land to another agricultural producer.
- a new residential parcel to facilitate a new dwelling for family members of others who wish to reside in a rural setting.
- an industrial, commercial, or value-added agricultural use that may offer new employment opportunities or services for agricultural producers.
- a parcel for a school or other public infrastructure.

[54] The above scenarios all involve some degree of conversion of agricultural land to non-agricultural uses in exchange for direct or indirect benefits to the agricultural community. The farmstead that was removed, or the new acreage parcel that was created, may accommodate the next generation taking over the farm. Both may contribute to having a sufficient size of local population to be able to support key health and social services that are needed by the farming community. For some, off farm employment may be needed to augment income from farming operations. Some of the scenarios may assist the County with diversifying the local assessment base to be better able to afford municipal services and manage the property tax burden. A common theme in these decisions is a local benefit that helps the County grow our community in a manner that fits our desired vision. Put another way, the public policy interest of preserving agricultural production is sufficiently offset by achieving another local public policy interest.

#### County Position on Proposed Land Use Change

[55] The County of Stettler does not consider the Project's proposed conversion of agricultural lands to an industrial use consisting of power generation and storage facilities to be consistent with our community's vision. The County takes this position for the following reasons:

- A significant amount of agricultural production or land in agricultural production is being displaced by the power generation and storage facility. The space available for ongoing cultivation is less than is presently available for the growing of a variety of crops.

- The reduced level of agricultural production will very likely see a reduced amount of dollars circulating in the local agricultural economy in the form of purchases of farm supplies, services and equipment. This may contribute to a reduced level of local economic activity and fewer economic spin-offs.
- The opportunity for long term local employment appears to be negligible given the small number of remote monitoring and/or maintenance jobs involved with the Project during the operational phase and the likelihood that many of the temporary jobs throughout the construction phase may go to persons from outside the region.
- There is potential for increased tax assessment and revenues for the County in the short term; however, the ability of the potential increase in tax revenue to be a consistent and stable source of income over the long term has not been established.
- Unless mitigated, the visual impact of the Project creates a less attractive and less visually stimulating view for area residents and those travelling public roadways which detracts from the rural beauty of the County. The Project, with large sections of chain-link fencing and black surfaces, has potential to create a landscape that is more typical of an industrial park setting than a rural, agricultural community.

### Unknown Cumulative Impacts

[56] From a broader policy perspective, the County has concerns about these types of projects and their impacts on local agricultural production. A common response to concerns about the loss of land in agricultural production appears to focus on the percentage share of land that individual projects represent. This raises concern in terms of cumulative impacts as each proponent claims to be individually responsible for impacting a very small percentage of available lands in agricultural production. There does not appear to be a cumulative assessment of how many projects in a local area are possible before irreversible negative impacts on the local agricultural economy are felt. For example, investment in value added agricultural enterprises, like canola crushers or facilities that support agriculture like high through-put elevators, may be undermined by significant reductions in available product in the local area.

[57] The Project represents a significant amount of land being converted from agricultural production in a single development approval decision. For context, the total amount of

land converted from agricultural production to non-agricultural use through the County subdivision approval process for the 5 years between January 1, 2020 and December 31, 2024 was 604.4 acres. The 953 acres occupied by the Project is the equivalent impact of 7 to 8 years of subdivision approvals using this metric of land conversion.

### Landowner's Option to Farm

[58] The County recognizes that Alberta's land use planning system is one that seeks to balance the interests of private landowners with public interest objectives. Landowners do have options when it comes to what to do with their land and, provided an intended use meets the requirements of local planning regulations and policies, landowners are able to realize their plans. This does not mean that anything goes. In a rural setting, such as the County of Stettler, an owner of a quarter section is typically able, as a minimum level of use, to put their land into agricultural production and to build a residence for a single household. The landowner can opt to do both, either or none. This includes the right to withdraw their lands from agricultural production by leaving fields fallow or allowing nature to reclaim their lands as native forest. The land use policy framework used by Alberta municipalities assumes landowners will desire to make some productive use of their investment in their land.

### Agriculture First Policy

[59] The County appreciates the guidance provided by the Government of Alberta to require an "agriculture first" approach to decisions to change the use of agricultural lands to industrial for power generation and storage facilities. The County is disappointed that, to date, this seems to simply require additional questions to be answered for any Class 2 lands, based on their Land Suitability Rating using the AGRASID database, rather than affording these lands true protection against meaningful loss of agricultural production.

[60] The County considers the use of the AGRASID rating to be too narrow a view of what lands should be considered "good agricultural land." The rating system tends to discount the ability of agricultural producers to adapt their agricultural activities, such as crop choice, and agricultural practices, such as soil amendments and equipment selection, to overcome limitations on their lands and make meaningful contributions to the local agricultural economy.

[61] The County does not view the proposed agrivoltaics plan to be a sufficient offset to changes the County's assessment of the Project in relation to the County's vision of local land use planning.

### Summary

[62] The County of Stettler does not support the conversion of the Project Site to an industrial, power generation and storage facility use. It is the County's view that such a change in land use detracts from the desired character of the local community, displaces too much potential agricultural production, and offers too few offsets to advance other local public policy interests.

### **Jurisdictional Issues**

[63] The County of Stettler Development Authority will be required to decide a development permit application if an AUC approval of the Project is granted, and a formal application is made to the County. As of August 11, 2025, a development permit application has not been submitted to the County. The County requires Red Willow Solar Inc., as the Applicant for development permit approval, to provide the written AUC approval before the County will consider their development permit application to be complete and ready for processing.

[64] The County appreciates that Red Willow Solar Inc. will be required to meet the requirements of both the County and the AUC in the construction and operation of their proposed development. Section 619 and Section 620 of the Municipal Government Act require the County's decision on the future development permit application to dovetail with the decision made and conditions imposed by the AUC. If the Project is approved, the AUC decision and related change in land use prevails over the decision of the County's Development Authority and any decision by County Council.

[65] To avoid duplication of requirements by two regulators and to provide clear expectations for the Applicant, the County encourages the AUC, if an approval is granted, to apply one of two outcomes on land use planning matters involved in the Project. These are:

1. The matter is conclusively "considered and decided" by the AUC having considered the input of the County and any other affected party; or

2. The matter is purposefully set aside by the AUC to enable the County to “consider and decide” at the time of development permit application.

[66] The County’s view is that achieving the clear distinction described above will clarify how the County decided on the development permit application if the development permit decision is appealed to the Land and Property Rights Tribunal.

## **Emergency Response Plan**

### Background

[67] A draft Emergency Response Plan (“ERP”) has been reviewed by the County’s Fire Department and initial feedback has been provided. Recognizing that many specific details regarding the exact layout of the Project Site and the technology to be employed may have a bearing on the ERP contents, the County is of the view that the ERP for the construction phase and the ERP for the operational phase are best treated as a follow up to any AUC approval rather than being completed prior to the AUC decision. This would enable any changes resulting from more detailed design and equipment selection, once an Engineering, Procurement, Construction (EPC) contractor has been engaged, to be incorporated into each ERP.

### County’s Suggested Approach

- [68] If the Project is approved by the AUC, the County of Stettler suggests that the AUC conditions relating to emergency response planning include the following:
1. Red Willow Solar Inc. shall prepare an emergency response plan addressing the construction phase and the routine operation of the facility, in consultation with the Stettler Regional Fire Department, prior to the commencement of construction. The emergency response plan shall provide for regular site orientation and safety updates with the Stettler Regional Fire Department and local first responders. Red Willow Solar Inc. shall continually, during construction and operation, and at a minimum annually, review and update the emergency response plan, and incorporate any reasonable changes necessary to address concerns received from the Stettler Regional Fire Department, the County of Stettler Director of Emergency Management, and/or other responding agencies. The updated plans are to be provided to the Stettler Regional Fire Department and County of Stettler.

2. Red Willow Solar Inc. shall provide on-site training specifically to the local first responders following commissioning of both the power generation portion of the project and additionally following the completion of the emergency response plan.
3. Red Willow Solar Inc. shall install a remote monitoring and detection system that can be programmed to automatically notify dispatch for local emergency response providers immediately upon activation. Excluding emergency situations, the energy storage facility will not be operated without the monitoring system in use.
4. Red Willow Solar Inc. shall install a thermal imaging camera at the energy storage facility site for continuous monitoring, and where technically possible, shall integrate the camera into its system alarms, shutdowns, and emergency response planning.

## **Noise Impacts**

### Background

[69] The Noise Impact Assessment (Exhibit 29258\_X0104) indicates that the cumulative noise levels should comply with AUC requirements and that daytime and nighttime noise levels experienced by most adjacent residences will be within permissible levels. The daytime permissible sound level is 50 dBA and the nighttime permissible sound level is 40 dBA. For the one residence that is projected to experience noise levels greater than the nighttime permissible sound level an acoustic barrier will be implemented to mitigate the noise.

### County's Suggested Approach

[70] Assuming the BESS is in the central portion of the Project Site and all other sources of noise are located within the Project Site in a manner that is in line with the assumptions of the Noise Impact Assessment, the County requests that the AUC attach the following condition:

Red Willow Solar Inc. shall conduct a post-construction comprehensive sound level (CSL) survey. The post-construction CSL survey must be conducted under representative conditions and in accordance with Rule 012: Noise Control. Within one year after the project commences operations, Red Willow Solar Inc. shall file a report with the Commission presenting measurements and summarizing the results of the post-construction CSL survey, and identifying any mitigation measures, if applicable, to be

implemented. A copy of the report shall be provided to the County of Stettler for their information.

## **Weed and Pest Management**

### Background

[71] The primary concern of the County with respect to weed control and pest management is the protection of adjacent and area farming operations from the build up and potential spread of weeds and pests. While the County has a broad range of authority and tools under the Weed Control Act to respond to and direct corrective action for weed and pest related matters, the preference is to have a well thought out plan created and fully implemented to avoid the need for any reactive enforcement actions by the County.

### County's Suggested Approach

[72] If the Project is approved by the AUC, the County of Stettler suggests that the AUC conditions relating to weed control and pest management include the following:

1. Red Willow Solar Inc. shall provide weed control and vegetation planning, for both the construction phase and the operating phase of the facility, that incorporates all commitments made by Red Willow Solar Inc. throughout the proceeding, and satisfies the requirements below:
  - a. A baseline weed assessment will be completed and adequately documented prior to construction through the pre-disturbance site assessment process.
  - b. A weed control and vegetation management plan (WVMP) will be prepared by a qualified professional with input from the County of Stettler. The plan will meet all regulatory requirements and the applicable county bylaws, ensure that appropriate seed mixes are selected, identify appropriate timing and techniques for seeding, identify any areas that will be challenging for revegetation and identify the source of water to be used for seed establishment.
  - c. The WVMP will include details for clubroot management. Clubroot management will be consistent with the Alberta Clubroot Management Plan.

- d. The conservation and reclamation plan (including the WVMP) will be provided to the County during the development permit stage and will give meaningful consideration of County feedback.
  - e. Red Willow Solar Inc. shall submit a letter along with a copy of the WVMP for reference to the Commission at least 30 days prior to the commencement of construction. The letter shall confirm that Red Willow Solar Inc. has finalized the plan with input from the County and identify any mitigation measures recommended by the County that were not adopted in the WVMP and provide reasons why.
2. Weed monitoring and control will be proactively completed for the life of the project with emphasis placed on keeping weeds from seeding and spreading offsite.

## **Visual Impacts**

### Background

- [73] The County is concerned that, if left unmitigated, the appearance of the Project creates a less attractive and less visually stimulating view for area residents and those travelling public roadways which detracts from the rural beauty of the County. Large sections of chain-link fencing and monolithic black surfaces extending across the horizon, creates a landscape that is more typical of an industrial park setting than a rural, agricultural community. The dynamic changes of the landscape over the course of the seasons, and during the growing season, is also lost to the uniform static appearance of the solar arrays.
- [74] The County understands that Red Willow Solar Inc continues to seek solutions with individual landowners to install visual mitigation on the properties of the landowners who are willing to see changes made on their property. This appears to be a practical solution. It is also an approach that the County cannot implement in the context of a development permit approval that must confine its attention to the Project Site.
- [75] In regard to view of the Project from Highway 601 and County roads, the County notes that visibility of the Project is partially mitigated by the existing tree stands and clusters of vegetation along Red Willow Creek and the tree belts along the edges of some quarter sections. The County's goal for addressing the visual impact of the Project is to screen and break up the overall appearance of the facility. Completely hiding the Project from every possible viewing location is not the goal.

[76] The County and Red Willow Solar Inc. have discussed the issue of visual screening but have not as of the making of this submission reached a consensus on all aspects of a solution. The County is prepared to focus efforts on the three areas labeled “Possible Vegetative Screening (Subject to Change)” on Exhibit 29258\_X0116 provided the screening materials to be planted consist of a line of coniferous trees like what is shown on page 2 of Exhibit 29258\_X0112 and the County setbacks for shelter belts from County road allowances and sight triangle requirements at road intersections are satisfied.

### County’s Suggested Approach

- [77] If the Project is approved by the AUC, the County of Stettler suggests that the AUC conditions relating to the visual impacts of the project incorporate the following:
1. For the visual impacts on adjacent residences, the County requests that the AUC attach a condition that ensures follow through with each affected property by Red Willow Solar Inc. in accordance with the solution that has been agreed to by each respective landowner.
  2. For the visual impacts along County roads and Highway 601, the County requests that the AUC acknowledge that the County development permit approval will consider and decide on the setbacks and sight triangle requirements for the planting of a line of coniferous trees at or near each of the three locations indicated on Exhibit 29258\_X0116.

### **Glare Impacts on County Roads**

#### Background

[78] The primary concern of the County is any potential for degraded or reduced traffic safety for motor vehicle traffic using County roads. *The Red Willow Solar and Energy Storage Project Solar Glare Assessment* (Exhibit 29258\_X0108) predicts glare effects on Township Road 40-0 and the portion of Range Road 18-1 south of Highway 601. Glare is not predicted for Range Road 18-2, Range Road 18-3 and the portion of Range Road 18-1 north of Highway 601.

[79] Township Road 40-0 runs east west along the south boundary of the Project Site. It is a gravel road with one lane of travel in each direction and has a speed limit of 80

kilometers per hour. Township Road 40-0 is part of the overall area network of township and range roads facilitating vehicle travel.

- [80] Range Road 18-1 south of Highway 601 runs north south along the east side of the Project Site. It is a narrow gravel road with one lane of travel in each direction and has a speed limit of 80 kilometers per hour. The segment south of Highway 601 is a dead-end and mainly provides farm field access.
- [81] In addition to the regular residential and farm related vehicle traffic, Township 40-0 may serve as a school bus route at various points in time over the 25 to 30 year life of the Project.
- [82] The County's view is that traffic safety along Township Road 40-0 should not be reduced by any amount due to glare impact emanating from the Project Site. Simply put, the level of traffic safety after Project construction should be kept at the same level that existed prior to Project construction.

#### County's Suggested Approach

- [83] If the Project is approved by the AUC, the County of Stettler suggests that the AUC conditions relating to glare impacts incorporate the following:
- A condition requiring Red Willow Solar Inc. to submit an updated solar glare assessment to the Commission as part of the final project update that details specifications for mitigation measures sufficient to achieve no predicted glare from the project on Township Road 40-0. The updated solar glare assessment should also verify the feasibility and effectiveness of the mitigation measures via glare modelling. A copy of the updated assessment should be provided to the County of Stettler for information. Red Willow Solar Inc. should be required to implement additional mitigation measures as determined by the Commission.
- [84] Additionally, the County suggests applying the two conditions below as follow up/follow through on assumptions used in *The Red Willow Solar and Energy Storage Project Solar Glare Assessment* (Exhibit 29258\_X0108) and a means of ensuring real world experience and modeling results are generally consistent:
- A condition that Red Willow Solar Inc. shall promptly address any complaints or concerns regarding solar glare from the project. This includes an annual report filed with the Commission detailing any complaints or concerns it receives regarding solar glare from the project during the first three years of operation after the project

becomes operational. The report should detail responses to complaints or concerns and describe the mitigation measures that have been implemented. A copy of the report should be provided to the County of Stettler for information.

- A condition that Red Willow Solar Inc. shall use solar panels with anti-reflective coating for the Project.

## **Agrivoltaics Plan**

### Background

[85] Red Willow Solar Inc. has provided an agrivoltaics plan that is meant to address the Government of Alberta's expectations for continued agricultural activity on any Class 2 land impacted by the Project. The proposed plan is an obligation of Red Willow Solar Inc. but relies on one or more of the landowners to successfully implement.

### County's Suggested Approach

[86] If the Project is approved by the AUC, the County of Stettler requests that the AUC decision ensure ongoing involvement by Red Willow Solar Inc in the implementation of the agrivoltaics plan by requiring the following:

1. As part of the final project update, Red Willow Solar Inc. must file an updated agrivoltaics plan that reflects the final project layout and incorporates the best available knowledge and best practices for initiating the agrivoltaics program. A copy of the updated plan must be provided to the County of Stettler for their information.
2. Red Willow Solar Inc. must file an annual agricultural report that documents the production realized from the agrivoltaics program. This report must be filed with the Commission no later than January 31 for the first three years of the agrivoltaics program. A copy of each report must be provided to the County of Stettler for their information.

## **Solid Waste Management**

### Background

[87] The County of Stettler is a partner in the operation of the Stettler Waste Management Regional Landfill. The facility serves the domestic needs of residents and businesses of

the County and the five urban municipalities within the County boundaries. The County is concerned about the potential impact waste from the Project may have on the life span of the approved disposal cells at the landfill. Construction related waste, such as packaging, and any disposal of damaged solar panels, resulting from events such as hail storms, may consume the available capacity and necessitate earlier closure of cells and opening of new cells than would otherwise be the case.

### County's Suggested Approach

- [88] If the Project is approved by the AUC, the County of Stettler requests that the AUC decision include a condition requiring Red Willow Solar Inc to create, prior to construction, and then implement during the life of the Project, a solid waste management plan that avoids placing excessive burden on local municipal landfill and solid waste management facilities.

### **Matters to be Decided by the County**

#### Background

- [89] The Application materials acknowledge that the Site Layout offered in Exhibit 29258\_X0116 is subject to modifications as the Project moves into more detailed design and equipment selection once an Engineering, Procurement, Construction (EPC) contractor has been engaged. The more detailed site design is expected to be the subject of the development permit application to the County of Stettler. In addition, there are some matters that are more appropriately addressed by the local authority.
- [90] Confirmation that the applicable LUB yard, setback and sightline requirements have been satisfied, or a variance request has been granted, should be left to the County's development permit approval process. Other aspects of the site layout, such as the ability of the pattern of internal roadways to provide emergency response ingress and egress options, should be confirmed at the development permit stage.
- [91] Direct access connections to County roads and the construction of approaches in the County's road allowances for Range Road 18-1, Range Road 18-2 and Range Road 18-3 should be left to the development permit approval. This enables the County as the planning authority and the road authority to ensure that appropriate safety and construction standards are applied.

- [92] Impacts on County roads resulting from construction related traffic, heavy equipment moves, and underground infrastructure crossings should be left for the County to address through its road use agreement process and crossing agreement process. These processes ensure that the offsite road infrastructure is not degraded. The timing of the road agreement and crossing agreement typically follows development permit approval to be able to account for any final adjustments in how an approved project will be constructed.
- [93] Storm water management will be better addressed as part of the detailed design stage. A storm water management plan will need to be completed and will need to account for increased water quantity leaving the site and the quality of water leaving the site and feeding into water bodies. The specific features that may be needed to achieve these two objectives are not yet known and may have an influence on the final site design if space for the features is not available with the current layout.
- [94] Signage for the purposes of site identification and emergency contact information is a relatively minor item and can be left to the development permit stage.
- [95] The County wishes to achieve a clear written acknowledgement by the AUC that these matters will be left to the County to decide at the time that a development permit application is being processed so that any questions about the County's jurisdiction to address these matters through the development permit are easily resolved.

#### County's Suggested Approach

- [96] If the Project is approved by the AUC, the County of Stettler requests that the AUC decision acknowledges that the County of Stettler development permit approval process will consider and decide on the following matters:
- Precise placement of buildings and internal access roads may be adjusted by the Applicant and the County as part of the development permit approval process
  - Yards, setbacks and sightline requirements under the County of Stettler Land Use Bylaw and any variance requests that may be submitted by Red Willow Solar Inc.
  - Access locations and construction standards for approaches off County roads
  - Road use agreements relating to traffic related impacts during the construction phase and during ongoing operations and crossing agreement related to underground infrastructure

- Requirements related to the completion and implementation of a stormwater management plan
- Any signage and contact information to be posted on the site and site security provisions

## **Reclamation of the Project Site**

### Introduction

[97] This section addresses the County's views on reclamation and provision of securities to ensure reclamation is properly carried out once the proposed power generation and storage facility reach their end of life or are no longer in active use. These views are being put forward so that the Alberta Utilities Commission is aware of the County's perspective. The ability to adequately address the County's concerns and suggestions related to reclamation and reclamation security is not an endorsement of the Project by the County.

### Background

[98] The main concern of the County of Stettler, with regards to reclamation and reclamation security, is any scenario that could result in an abandoned or obsolete industrial facility left derelict on private land with no recourse other than the use of public funds, by either the Province or the County, to remediate the land and return it to agricultural production.

[99] The Government of Alberta, through the Alberta Utilities Commission, is making the land use planning decisions for this Project. Therefore, it is the County's view that an agency or department of the Government of Alberta should have a direct role in managing the resources or holding the security to ensure that land used by the Project is reclaimed. Additionally, if the argument that removal of agricultural land from agricultural production is a temporary change in use, and that agricultural use can be re-established once the facilities are removed, is accepted by the AUC, the County suggests that demonstrating that the land has been returned to a comparable level of agricultural productivity that existed prior to the conversion of the land to the industrial use should be made a requirement of the Project Proponent.

[100] In February 2024, the Ministry of Affordability and Utilities indicated their intention to develop a reclamation security regime for renewable energy projects. The specifics for

this new regime were set in the Code of Practice for Solar and Wind Renewable Energy Operations that came into effect on May 31, 2025.

### County's Suggested Approach

[101] If the Project is approved by the Alberta Utilities Commission, the County of Stettler suggests that the Alberta Utilities Commission conditions relating to the reclamation plan and reclamation security achieve the following:

- Ensure the security amount for the full reclamation of the Project Site is sufficient and in accordance with the reclamation security regime established by the Government of Alberta as of the date of the AUC approval.
- Ensure the security is held by a third party who possesses skills and knowledge or can access through use of the security amount the required professional expertise, in project management and navigation of the market for recyclable materials to meet the assumptions of the security calculations and be able to successfully carry out the reclamation.
- Ensure the security is in place prior to construction in accordance with the reclamation security regime established by the Government of Alberta as of the date of the AUC approval.
- Ensure the reclamation and security provisions avoid the creation of a derelict industrial site should the project not progress as predicted to full construction and operation.
- Ensure the reclamation provisions address any mid-life damage to the Project with a requirement for either reinstatement of infrastructure and/or partial reclamation where reinstatement of infrastructure is not desired.
- Ensure that there is monitoring post-facility removal to return the Project Site to a comparable level of agricultural productivity that existed before the Project and any follow up reclamation efforts needed if agricultural production has not returned to pre-facility levels.
- Ensure the reclamation plan and security provided will be updated and adjusted should the reclamation security regime established by the Government of Alberta change during the life of the project.

- Ensure a copy of any reclamation certificate involving part or all of the Project Site is provided to the County of Stettler once it has been issued.

[102] The County's preference is that Red Willow Solar Inc. provides the reclamation security to the Government of Alberta.

## Appendix A – Qualifications

### Curriculum Vitae for Craig Teal, RPP MCIP

#### EDUCATION

##### University of Guelph

M.Sc. Rural Planning & Development (September 1993 – April 1995)

##### Wilfrid Laurier University

B.A. (Hons) Political Science (September 1989 – April 1993)

#### PROFESSIONAL AFFILIATIONS

- Registered Professional Planner, Alberta Professional Planners Institute (1998)
- Member, Canadian Institute of Planners (1998)

#### EXPERIENCE

##### County of Stettler No.6, Director of Planning & Development

November 2022 to present

##### Parkland Community Planning Services (PCPS), Director

May 2016 to October 2022

##### Town of Innisfail, Director of Planning and Operational Services/Director of Planning

November 2011 to October 2013 and November 2013 to May 2016

##### Parkland Community Planning Services (PCPS), Director/Manager of Municipal Planning

March 2000 to March 2005 and April 2006 to November 2011

##### City of Grande Prairie, Community Planner

January 1996 to March 2000

#### SAMPLE PROFESSIONAL PLANNING WORK

- Swanavon Area Redevelopment Plan (City of Grande Prairie)
- College Park Area Redevelopment Plan (City of Grande Prairie)

- Downtown Area Redevelopment Plan (Town of Innisfail)
- Town of Penhold Municipal Development Plans (2004 and 2020)
- Town of Lacombe Municipal Development Plan (2004)
- Town of Olds Municipal Development Plans (2006 and 2022)
- City of Red Deer Municipal Development Plan (2007)
- Olds and Mountain View County Intermunicipal Development Plan
- Rocky Mountain House and Clearwater County Intermunicipal Development Plan
- Village of Caroline and Clearwater County Intermunicipal Development Plan
- Sylvan Lake and Red Deer County Intermunicipal Development Plan
- Penhold and Red Deer County Intermunicipal development Pan
- Ponoka and Ponoka County Intermunicipal Development Plan
- Rocky Mountain House Integrated Community Sustainability Plan
- Innisfail Land Use Bylaw Review
- City of Red Deer – Growing Smarter: Design Elements for New Neighbourhoods (2004)
- Annexation - for Innisfail, Grande Prairie, Olds, Bowden, Rocky Mountain House, Blackfalds, Penhold, Sylvan Lake
- Ponoka Downtown Action Plan
- Southeast Industrial Area Structure Plan (Olds)
- North Area Structure Plan (Innisfail)
- Woodlands Area Structure Plan (Innisfail)
- South Shore Area Structure Plan (County of Stettler)
- Sylvan Lake Growth Strategy (2007)
- Northeast Area Structure Plan (Sylvan Lake)
- East Area Structure Plan (Rocky Mountain House)
- Southeast Area Structure Plan (Rocky Mountain House)
- Riverview Outline Plan and Subdivision Design (Rocky Mountain House)
- Napoleon Meadows Subdivision Design (Innisfail)
- Rocky Mountain House Land Use Bylaw Review
- Municipal Affairs – Guidebook for Preparing a Municipal Development Plan (2018)
- Municipal Affairs – Guide for Creating Joint Use and Planning Agreements (2022)

## **RELEVANCE TO SUBMISSION**

- Experience and knowledge in writing, interpreting and applying policy contained in statutory plans used by local land use authorities
- Experience and knowledge in writing, interpreting and applying regulations contained in Land Use Bylaws
- Experience and knowledge in local planning processes in relation to applicable legislation and jurisdictional boundaries between local planning authorities and Provincial agencies
- Experience and knowledge in the processing of development permit applications

**Appendix B – County of Stettler Municipal Development Plan**

**Appendix C – Excerpts from County of Stettler Land Use Bylaw**

# MUNICIPAL DEVELOPMENT PLAN



*Prepared by:  
The County of Stettler No. 6 Council and Planning and Development Services*

*Bylaw No. 1414-09 adopted August 12, 2009  
Amending Bylaw - 1480-12 adopted June 12, 2013  
Amending Bylaw – 1529-14 adopted June 25, 2014  
Amending Bylaw – 1683-22 adopted August 10, 2022  
Amending Bylaw 1687-22 adopted January 11, 2023  
Amending Bylaw 1704-23 adopted August 9, 2023*

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## **1.0 INTRODUCTION AND PURPOSE**

The *Municipal Government Act, RSA, 2000* (as amended) requires all municipalities with a population of 3,500 or more to prepare and adopt a municipal development plan. The role of a municipal development plan is to provide a policy framework for the long-term growth and development of a community. The *Act* states that a municipal development plan must address such issues as future land use and development in the municipality, the provision of municipal services and facilities, the provision of municipal and/or school reserves, the protection of agricultural operations, and intermunicipal issues such as future growth areas and the co-ordination of transportation systems and infrastructure.

The County of Stettler No. 6 Municipal Development Plan is a guiding document for Council, the Subdivision Authority, the Development Authority, County Administration, residents and developers when considering land use redesignation, subdivision, development and long term planning decisions. It helps the County evaluate the merit of immediate development proposals in context of the community's desired long term future. The Municipal Development Plan reflects the goals and aspirations of local residents and ensures that the County continues to grow in an orderly, economical, and sustainable manner. A thirty (30) year period is a typical planning horizon considered within a municipal development plan. Over the planning period the Municipal Development Plan is intended to enhance the quality of life of County residents by providing a clear framework to guide land use planning decisions.

The Municipal Development Plan provides a policy framework for more detailed decision making on site-specific development proposals as part of an area structure plan, area redevelopment plan, or outline plan process, which must be designed in accordance with the general policy guidance of the Municipal Development Plan.

The Municipal Development Plan does not change the land use designation of a specific property. The Land Use Bylaw is a regulatory mechanism for controlling land uses. While the Municipal Development Plan represents the community's vision for the future, the Land Use Bylaw helps govern the path towards achieving that vision.

Words in this Plan that are printed in blue font are defined in Chapter 16.

## **2.0 VISION STATEMENT**

### **2.1 Vision**

The proper stewardship of community assets, while managing the pressures of growth, is a balancing act that requires foresight, long-range planning, and sustained community involvement. Therefore, identifying a collective vision is an important component of community planning. The County of Stettler No. 6 (hereinafter called 'the County') in consultation with landowners and residents has defined a community vision based on its agricultural character, natural environment, the values held by its citizenry, and its aspirations for future generations.

The following statements combined outline the County's desired future and is the yardstick against which all approvals and activities are measured. In making decisions on all subdivision and development requests the County will endeavour to:

- a) Foster the traditional rural lifestyle, support the rural sense of community, and encourage a thriving rural-based agricultural economy.
- b) Preserve the rural qualities and agricultural characteristics of its landscape through growth management that balances the rural, historic, and natural areas that provide the community's unique identities.
- c) Preserve the rural character of community cohesiveness and strive to remain responsive to the needs of residents, businesses, and the agricultural community.
- d) Explore opportunities and invest in the means to enhance and diversify economic activity balancing local growth and providing increased employment and economic opportunities for all residents.
- e) Wisely manage its natural capital to preserve and promote agricultural productivity, conserve commercially viable resource lands and preserve the ecological functions of the ecosystem.

Periodically the County will review this vision to ensure it continues to focus in the desired direction.

### **2.2 Guiding Principles**

Developing a set of principles that support the community vision is another important part of the framework of the Municipal Development Plan. Inevitably, the County will have to make decisions on community issues that are either not addressed in the Municipal Development Plan or that are inconsistent with the specific recommendations found in the plan. In such cases, the guiding principles can be a valuable reference in determining if a specific proposal is consistent with the direction stated in the Municipal Development Plan. The guiding principles are as follows:

a) **Protect and Support Agricultural Uses**

Agriculture is a fundamentally important part of the County's identity as well as its economy. The approval of non-agricultural development must include considerations to limit its infringement upon and incompatibility with agricultural uses. If deemed necessary, buffers and separation requirements between residential and agricultural uses must be implemented to protect the integrity of agricultural operations.

b) **Identify and Protect Environmentally Sensitive Areas**

The County's environmentally sensitive areas are important components of the County's identity and vital to the environmental integrity of the County and region. As the County continues to grow increased pressures on environmental resources can be expected as development encroaches on sensitive natural areas.

c) **Land Use Compatibility**

The intensity, scale and design of new development must be compatible with adjacent land uses. Where necessary transitions and buffers must be provided to mitigate any adverse impacts on adjacent properties.

d) **Coordinate Infrastructure Expansion with Land Use**

It is important that future land use decisions are coordinated with the capacities of existing infrastructure. The expansion of supportive infrastructure networks (roads, stormwater, water, and sanitary sewer) must be undertaken in a manner that provides the most efficient and cost-effective use of public funds and the cost must be recovered from development proponents.

e) **Encourage and Promote the Diversification of the Local Economy**

Explore and develop opportunities to accommodate employment-generating land uses. These developments should be concentrated along existing and planned thoroughfares with access to existing or planned services. The County will continue to program appropriate infrastructure projects to expand and diversify the local economy.

f) **Promote Growth Within and Surrounding Existing Hamlets**

Enhance existing hamlets as community focal points by providing opportunities for small-scale, locally appropriate and compatible expansion.

g) **Provide a Range of Housing Opportunities**

Encourage housing opportunities that offer a range of rural and recreational lifestyles, minimize impacts on the natural environment and are locally appropriate in relation to the surrounding landscapes and existing land uses.

**h) Maintain Cooperative Relationships with Neighbouring Municipalities**

It is important that the County continue to work cooperatively with the neighbouring urban municipalities within the County as well as with adjacent rural municipalities to address issues of regional importance related to urban growth, infrastructure, servicing and land use.

### **3.0 DUTIES, FUNCTIONS AND POWERS OF THE SUBDIVISION AUTHORITY**

*(Note: Section deleted by Bylaw 1704-23)*

## **4.0 AGRICULTURAL DEVELOPMENT**

### **Goal**

Recognize agriculture as a fundamentally important industry and agricultural lands as part of the natural capital in the County. Preserve the land base as the most significant and enduring resource that is irreplaceable and contributes immensely to the high quality of life enjoyed by the residents of the County. The use of natural capital must be carefully managed to retain its integrity and value for the benefit of future generations. The County is committed to preserving and protecting agricultural operations, promoting the viability and sustainability of farming and providing opportunities for a diverse range of rural lifestyle options.

### **Objectives**

- a) Avoid or minimize conflict between agricultural and non-agricultural land uses
- b) Reduce the conversion of agricultural land to non-agricultural uses.
- c) Promote the diversification of agricultural operations.
- d) Encourage sustainable and environmentally responsible agricultural practices.
- e) Protect the agricultural based economy and rural lifestyle.
- f) The County will endeavour to promote the viability of the agricultural industry in its policies and regulations at all levels of administration.

### **Policies**

#### **Agricultural Land and Operations**

- 4.1 All land within the Agricultural District of the Land Use Bylaw is considered farmable in one way or another and is considered a part of the natural capital in the County.
- 4.2 The use of agricultural lands is intended primarily for agricultural purposes. However, the use of agricultural lands by non-agricultural uses may be allowed in accordance with the provisions of this plan, as well as federal and provincial regulations.
- 4.3 The County will notify applicants proposing non-agricultural developments on or adjacent to agricultural land that agricultural operations in the Agricultural District have precedence over all other forms of land use. The County will develop and maintain a 'Rural Code' brochure to inform residents of these matters.

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## AGRICULTURAL DEVELOPMENT

- 4.4 In addition to the measures stipulated in Policy 4.3, the County will require non-agricultural land uses to respect, and will not allow them to limit, any existing or new agricultural operations within the Agricultural District to the County's satisfaction, including but not limited to hours of operation, noises and odours, and traffic movements.
- 4.5 The quarter-section in one private title (see definition in Chapter 16.0) as defined in this Plan is considered as the basis for agricultural operations and related activities within the Agricultural District. Additional private titles may be subdivided out of a quarter section and remain in the Agricultural District as viable agricultural operations pursuant to Policy 4.6.

### Subdivision of Agricultural Land

(Refer to Chapter 16.0 for definitions of 'bare parcel', 'un-subdivided quarter section', 'private title', natural capital, and 'permanent bona-fide and viable buildings')

- 4.6 Notwithstanding Policy 4.5, in the Agricultural District the County generally supports the subdivision of either an existing farmstead(s) or a bare private title(s), or a combination of these, out of an un-subdivided quarter section for the creation of an additional private title(s) as an agricultural parcel(s) provided that the following criteria are complied with to the satisfaction of the Subdivision Authority:
- a) The subdivision of the parcel(s) will result in a maximum density of three private titles per quarter section, including existing titles and the remainder of the quarter section (see Policy 4.14);
  - b) Legal and physical access is available or can be provided by the applicant and meets or can be improved by the applicant to meet the County's minimum road standards;
  - c) The applicant can demonstrate that existing agricultural operations, other operations usually associated with the Agricultural District (e.g. aggregate extraction or processing) and natural capital such as significant ecological functions and systems will not be adversely impacted or that the impact can and will be minimized;
  - d) The parcel size(s) comply with the following criteria, further subject to Policies 4.7 and 4.8:
    - (i) The preferred maximum size of a bare parcel in the Agricultural District is five acres; or
    - (ii) the preferred maximum size of a farmstead parcel shall be determined by the size of the minimum area required to include the yard site with permanent bona-fide and viable buildings, shelter belt, access, power pole, gas connection, domestic water well and private sewage disposal system excluding the setback distances to property boundaries that

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## AGRICULTURAL DEVELOPMENT

are required under the Alberta Private Sewage Systems Standard of Practice issued by the Safety Codes Council under the Private Sewage Disposal Systems Regulation (Alberta Regulation 229/1997)]; and

(iii) the minimum size of any parcel in the Agricultural District is three acres.

- e) The applicant can demonstrate that the parcel can be serviced on-site in accordance with provincial regulations; and
- f) Any other consideration deemed relevant by the County.

4.7 Notwithstanding Policy 4.6d)(ii), the Subdivision Authority may approve the subdivision of a private title in the Agricultural District that does not comply with a minimum or preferred maximum lot size for an agricultural parcel stated in this Plan or the Land Use Bylaw if the applicant can demonstrate to the satisfaction of the Subdivision Authority that the smaller or larger parcel size is justified for the following reasons:

- a) to comply with the *Private Sewage Disposal Systems Regulation (Alta. Reg. 229/97)*. The applicant must submit the report of a qualified professional to demonstrate that the soils on the proposed parcel are not conducive to the installation and use of a disposal field private sewage disposal system and that additional land is required to accommodate an open discharge private sewage disposal system; or
- b) to accommodate either:
  - (i) a Confined Feeding Operation that is licensed under the Agricultural Operations Practice Act; or
  - (ii) another type of agricultural operation that, in the sole discretion of the Subdivision Authority, requires the additional land; or
- c) to prevent the fragmentation of farmland.

### Rural Development Fund

4.8 Pursuant to Policies 4.6 (d) (i) and (ii) and 4.7 the County hereby establishes the 'Rural Development Fund', the purpose of which is generally to promote, develop and assist any rural or agricultural project that the Council deems to be in the interest of the rural community at large, and the County's Fee Bylaw shall require a contribution to the Fund from every 'one parcel' private title subdivision applicant, increasing on a sliding scale based on the size of the proposed parcel. The revenue raised in this Fund shall not be used for any purpose other than what is stated in this Policy.

*Road Dedication and Road Upgrading*

- 4.9 The applicant/developer of a subdivision is required to dedicate to the County, at no cost to the County except as provided for in policy, road widening along all road frontages of the quarter section or parcel being subdivided where the road allowance is not already 30 metres (99 feet) wide. The road widening may be achieved through a road plan or a road acquisition agreement or through a plan of survey as determined by the Subdivision Authority.
- 4.10 The Subdivision Authority may require the applicant/developer of a single-lot subdivision pursuant to Policy 4.6 to upgrade the Township Road and/or Range Road pursuant to Administrative Policy 1.11 Road Dedication, Road Upgrades and Subdivision Registration to the County's satisfaction and at no cost to the County, except as otherwise provided for in policy.

*Compliance with Subdivision Conditions*

- 4.11 When the Subdivision Authority deems it reasonable to allow the delaying of the implementation of a condition of subdivision to a date that will occur after the endorsement of a subdivision plan for registration, it shall require a security deposit from the applicant to ensure that the condition will be satisfied.

*Fragmented Land*

- 4.12 Notwithstanding anything to the contrary in this Plan, the mere fact that an existing parcel of land in the Agricultural District may be fragmented by natural or man-made features does not in itself constitute an acceptable justification for the subdivision of the fragmented land.
- 4.13 Notwithstanding anything to the contrary in this Plan, a parcel in the Agricultural District that lies partially in the County and partially in an adjacent municipality shall be allowed to separate the title for that portion of the quarter section that lies within the County regardless of the size of the portion, and that portion shall be deemed to be an un-subdivided quarter section regardless of its size.

*Subdivision of Additional Private Titles in the Agricultural District*

- 4.14 If three or more private titles exist per quarter section, including the remainder of the quarter section, further subdivision of land in the Agricultural District that will result in the creation of a fourth or additional private title, and thereby increase the density to more than three private titles per quarter section, may be allowed at the discretion of the Subdivision Authority, subject to its determination of whether the proposed subdivision is based on sound planning principles when considering the context of the proposed subdivision in relation to the existing and

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## AGRICULTURAL DEVELOPMENT

future use and subdivision of the subject and adjacent land, such context including but not limited to the following:

- a) The possible impact of the proposed subdivision on adjacent lands and specifically agricultural operations, and the logical configuration of the proposed subdivision so as to minimize such impact and specifically avoid the fragmentation of agricultural land.
- b) Minimizing the possible impact on County services and operations (including existing and future maintenance and infrastructure).
- c) The intensification and/or logical completion of existing development and subdivisions.
- d) The existing and probable future uses and subdivision of the subject and adjacent land and the location and configuration of the proposed subdivision in that context, which may include requiring the applicant to prepare a conceptual scheme to describe this context. The result may be that the applicant is required to apply for a multi-lot subdivision in accordance with the provisions of Chapter 5.0 Multi-lot Subdivision instead of incrementally subdividing single parcels without a comprehensive plan.
- e) The current condition of access roads and the impact that the proposed subdivision may have on these roads, including traffic safety considerations, and the identification of remedies satisfactory to the County.
- f) The use of and impact on natural capital.
- g) The need to and desirability of dedicating municipal reserve (either as land or cash in-lieu-of land) and environmental reserve.
- h) The need to dedicate land for an internal subdivision road or a service road, or to arrange for joint accesses.
- i) The availability of adequate water sources and sewage disposal options for the proposed subdivision and possible future subdivisions on adjacent land, within the context of the Private Sewage Disposal Systems Regulation (AR 229/97).
- j) Stormwater management considerations.
- k) Any other matters that the Subdivision Authority considers necessary.

### Confined Feeding Operations

*Background: In the following policy statements reference to a proposed “CFO or CFO structure and/or manure handling and/or storage” shall include reference to the proposed expansion of an existing CFO or CFO structure and/or the expansion of existing manure handling and/or storage, except where it is expressly otherwise defined in a plan referenced in Policy 4.15(h) and 4.15(i) below.*

*The permitting and enforcement of a Confined Feeding Operation (CFO) and/or the management of manure handling and storage are a provincial jurisdiction and are regulated pursuant to the Agricultural Operation Practices Act (AOPA) under the direction of the Natural Resources Conservation Board (NRCB). As part of the approval process, an NRCB Approval Officer may consult with the County to determine if an application is consistent with the land use planning provisions of the County’s Municipal Development Plan. The Approval Officer must consider matters that would normally be considered if a development permit were being issued by the County (i.e. zoning compliance, front, side and rear yard setbacks, setbacks from water bodies, road improvements, etc.). The Approval Officer may request the County to submit a written statement of concern indicating whether or not an application is consistent with the County’s land use provisions and/or providing any requested interpretation of the land use provisions. Should the County disagree with a decision to grant or deny a permit under AOPA, they have the right to request a Board Review from the NRCB. The Board must have regard to, but is not bound by, the Municipal Development Plan, and must justify its decision if it decides not to follow the provisions thereof.*

- 4.15 The County’s response to an AOPA application referral will be based on the following policy statements and regulatory considerations:
- a) In principle, pursuant to Policy 2.2(a) of this Plan, the County supports any application for CFO development and/or expansion if it complies with the AOPA regulations, specifically those provisions that are intended to protect riparian zones, groundwater and surface water quality and to address potential public nuisances. Therefore, the County does not expect greater minimum distance separation between CFO’s and existing residential development or areas for planned residential development than what the AOPA regulations provide for, except as provided for in Policy 4.15 (h) and 4.15 (i) below.
  - b) If the County can demonstrate that a proposed CFO or manure handling and/or storage poses a specific risk to a specific site and that the site requires additional protection, the County will provide the relevant information to the Approval Officer. This may apply to public and semi-public resorts, campgrounds, community halls and sports facilities.

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## AGRICULTURAL DEVELOPMENT

- c) The County will respond to any request for interpretation of the land use provisions and will answer any other questions asked by the Approval Officer.
- d) The subject property must be located in the Agricultural District of the Land Use Bylaw and if it is not, the County will request that the NRCB require as a condition of the permit that the applicant must successfully apply to the County for the rezoning of the property.
- e) The proposed location of any CFO structures must comply with the minimum front, side and rear yard setback requirements for farm buildings as described in the Land Use Bylaw.
- f) If the County deems that the approval of the proposed or expanded CFO by the NRCB would result in increased traffic that may impact County roads or residences along those roads, or if the County deems that the access roads do not comply with the County's minimum road specifications to safely carry the expected traffic (e.g. road width), the County will request that the NRCB impose a condition on the permit to require that the applicant enters into a road use agreement with the County and/or upgrades the affected roads at no cost to the County.
- g) If the proposed or expanded CFO forms part of any proposed residential development the County will advise that a development permit under the Land Use Bylaw is required under a separate application process to the County.

### *CFO Exclusion Zones identified in Intermunicipal Development Plans*

- h) The County, in collaboration with adjacent municipalities, has identified CFO exclusion zones in a number of intermunicipal development plans. The County supports new CFO development and/or expansion of existing CFO's if the CFO structure and any manure handling or storage are located outside of these exclusion zones. As of January 1, 2013 these plans are the following:
  - (i) the Town of Stettler and County of Stettler No. 6 Intermunicipal Development Plan; and
  - (ii) the Buffalo Lake Intermunicipal Development Plan.

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## AGRICULTURAL DEVELOPMENT

### *Default CFO Exclusion Zone around undeveloped portions of future residential areas within approved Area Structure Plans, Concept Plans and Outline Plans*

- i) The County has approved several area structure plans, concept plans and outline plans for future new residential development or future expansion of existing residential development that are located outside of any intermunicipal development plan in which a CFO exclusion zone is identified as referenced in Policy 4.15(h). The County is satisfied that existing multi-lot residential development in these area structure plans, concept plans and outline plans are protected under AOPA, and would prefer that future residential development is taken into consideration in the determination of CFO locations. Therefore, where the following area structure plans, outline plans and concept plans identify future residential development, the County supports new CFO development and/or expansion of existing CFO's that are proposed to be located outside of an 800 meter default CFO exclusion zone, measured perpendicularly to the boundary of any future undeveloped or future partially developed residential land use designation area identified within the boundaries of these plans. When a specific residential area in any of these plans has been fully built-out to the boundary of the residential land use designation area within the plan boundary, the 800 meter default CFO exclusion zone expires. As of January 1, 2013 these plans that contain future residential expansion areas are the following:
- (i) the Pheasantback Estates Area Structure Plan (the NE 36-39-20 W4M);
  - (ii) the River Creek Area Structure Plan (Pt. of SW 34-38-22-W4M);
  - (iii) the Dickie-Ziegler Area Structure Plan (Lots 1 and 2, Block 1, Plan 0927839); and
  - (iv) the Hamlet of Erskine Concept Plan (the SW 6-39-20-W4M).
- j) Pursuant to Section 638 of the Municipal Government Act, the area structure plans, and also the concept plans and outline plans, identified in Policy 4.15 (i) above are deemed to include the CFO exclusion zone stated in that policy. As these plans may be amended from time to time they must be amended to include the stated CFO exclusion zone.

### *Reciprocal setback distances are advised but not required*

- 4.16 In approving rezoning and/or subdivision applications for single parcel residential acreages and multi-lot residential subdivisions in locations that could be incompatible with an existing CFO, the County will recommend that the applicants familiarize themselves with existing CFO locations and the applicable minimum separation distances and consider the potential impact on their proposed subdivision however, the County will not require reciprocal setback distances. Further, the County will require that an area structure plan or outline plan for

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## *AGRICULTURAL DEVELOPMENT*

multi-lot residential development must incorporate the buffering techniques for non-agricultural development in the agricultural fringe as referenced in the relevant section of the County's Land Use Bylaw.

## **5.0 MULTI-LOT SUBDIVISION**

(refer to Chapter 16.0 for definition of ‘multi-lot subdivision’)

### **Goal**

The County recognizes that the process of multi-lot subdivision for residential, commercial and industrial development is complex and requires careful review within the municipal and provincial statutory and regulatory context. In order to ensure that these processes are not unnecessarily cumbersome, the County will endeavour to develop and maintain a clear policy framework.

Specific to the servicing of multi-lot subdivisions, the County recognizes that at this time a communal sewage disposal system is the only available option that meets current regulatory standards for development in proximity to a sensitive receptor (e.g. a lake) relative to groundwater and surface water quality. In consideration of the potential future importance of water as a non-renewable resource and the potential contribution that enhanced private sewage disposal systems may offer towards any efforts to manage and conserve potable water, and further in consideration of the potential that, out of this context, there may of necessity arise enhanced private sewage disposal system technologies that are capable of treating sewage effluent to the applicable regulatory standards (i.e. nutrient removal), the approach to multi-lot servicing should accommodate alternative technologies.

### **Objectives**

- a) Endeavour to provide a clear, thorough and transparent process for the review of multi-lot subdivision.
- b) Establish a policy framework to effectively deal with the preparation of plans for multi-lot subdivision.
- c) Promote developer and public awareness of the County’s multi-lot subdivision planning and approval process requirements.
- d) Accommodate alternative servicing approaches for multi-lot subdivisions, subject to clearly defined criteria.

### **Policies**

#### **Context**

- 5.1 The County will endeavour to identify areas where multi-lot development pressures are apparent and set priorities within the available resources to prepare relevant statutory plans (i.e. intermunicipal development plans and major area structure plans) in advance of multi-lot subdivision proposals.

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## MULTI-LOT SUBDIVISION

- 5.2 In addition to the broad policies of the Municipal Development Plan the County has established and maintains *Planning and Subdivision Guidelines* that outline in detail the requirements and review process and standards for multi-lot planning and subdivision applications within the provincial and municipal statutory and regulatory framework, incorporating current policy and sound planning practices. An application for an area structure plan or outline plan is required to incorporate these guidelines as described in Administrative Policy 1.27 Planning and Subdivision Guidelines.
- 5.3 The County encourages multi-lot subdivision proposals to conserve agricultural land and preserve natural capital through conservation design principles. Refer to Chapter 16.0 Definitions and Administrative Policy 1.27 Planning and Subdivision Guidelines for more information.

### When is a Subdivision Application Deemed to be a Multi-lot Subdivision?

- 5.4 Subject to the exemptions provided for in Policy 5.5 below, the following types of subdivision application are deemed to be multi-lot subdivisions and must meet the requirements for multi-lot subdivision as outlined in Policy 5.6 and other policies in Chapter 5.0 of this Plan:
- a) An application for the subdivision of land that will result in a density of more than three private titles per quarter section, including existing parcels and the remainder of the quarter section.
  - b) A subdivision application for the simultaneous creation of two or more new titles (private title or other).
- 5.5 At the discretion of the Subdivision Authority, the following types of multi-lot subdivision may be exempted from the requirement in Policy 5.4:
- a) the simultaneous creation of two private titles from an un-subdivided quarter section that results in a density of not more than three private titles per quarter section (pursuant to Policy 4.6);
  - b) a subdivision for the purpose of any use other than a private title as defined in this Plan;
  - c) a subdivision pursuant to Policy 4.14;
  - d) the subdivision of an existing parcel (private title or otherwise) in an existing multi-lot subdivision into two titles including the remainder;
  - e) the consolidation of parcels;
  - f) a subdivision that is deemed by the County to be a boundary adjustment; and

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## MULTI-LOT SUBDIVISION

- g) at the sole discretion of the Subdivision Authority, based on the context and nature of the application, an application pursuant to Policy 5.7 (a), 5.7(b) or 5.7 (0).

### Minimum Number of New Titles required for Multi-lot Subdivision

- 5.6 Subject to Policy 5.7, an application for a private title multi-lot subdivision must create a minimum of five new private titles, excluding any existing private titles.
- 5.7 Notwithstanding Policy 5.6, the Subdivision Authority may deem it appropriate to approve a private title multi-lot subdivision of less than five new [private titles](#) under the following circumstances only:
  - a) the application is exempted under Policy 5.5; or
  - b) due to the existence of a natural feature, a railway, a road or an existing subdivided [private title](#) on the quarter section, the area proposed for a multi-lot subdivision cannot accommodate five [private titles](#) of a maximum of three acres each, with suitable building sites and an internal subdivision road.

### Multi-lot Subdivision and Commercial or Industrial Subdivision may require Rezoning

- 5.8 Prior to the consideration of a multi-lot subdivision proposal for any use or the subdivision of a single parcel for commercial or industrial use the development proponent may be required to obtain land use rezoning out of the Agricultural District to an appropriate district or districts in the Land Use Bylaw. A subdivision pursuant to Section 5.5 (a) may be exempted from this requirement.

### Multi-lot Subdivision may require a Plan Amendment

- 5.9 Notwithstanding Policies 5.1 and 5.8, prior to the County considering first reading of a rezoning bylaw the developer may be required to prepare a new or amend an existing local area structure plan or outline plan that complies with the County's *Planning and Subdivision Guidelines* and any relevant major statutory plans, and apply for the amendment of any relevant major statutory plans.

### Multi-lot Subdivision Water and Sanitary Sewer Servicing Requirements

- 5.10 Subject to Policy 5.11 and in addition to Chapter 9.0, the County requires the following approach to the servicing of multi-lot subdivisions:
  - a) All multi-lot subdivisions must provide underground franchise utilities.
  - b) A public communal water supply system and/or a public communal sewage disposal system that complies with all provincial regulatory and licensing requirements:

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## MULTI-LOT SUBDIVISION

- (i) shall be required in all multi-lot subdivisions deemed by the County to be in proximity to an existing public communal system that has the capacity to accommodate the servicing of the proposed subdivision at a reasonable cost to the developer;
  - (ii) shall be required in all multi-lot subdivisions deemed by the County, in consultation with Alberta Municipal Affairs and/or Alberta Environment, to be in proximity to a sensitive receptor (e.g. a lake); and
  - (iii) may be encouraged in any other multi-lot subdivision.
- c) A new privately owned communal water supply and/or privately owned communal sewage disposal system shall not be accepted in any multi-lot subdivision (this policy grandfathers the expansion of existing privately owned communal systems). After the successful completion of any applicable warranty period, all communal water supply and/or sewage disposal systems must be transferred to the County, including ownership, operation and maintenance. The exception to this is a privately owned communal water supply and/or privately owned communal sewage disposal system in a bareland condominium subdivision or a multi-dwelling unit development that is designed for seasonal use only, in which case the County will not require or accept ownership of such a system.
  - d) Where a multi-lot subdivision is serviced by private individual water wells or private individual sewage disposal systems in a location where municipal services may become available in the future, the County may require that the developer agrees to the registration of a deferred servicing agreement by caveat to connect to public communal water supply and sewage disposal systems, at the cost of the landowners, if and when these become available in the future.
  - e) Private individual water well construction must comply with or exceed the installation and operational requirements of the *Nuisance and General Sanitation Regulation of the Public Health Act* and the licensing requirements of the *Water Act*.
  - f) Private individual sewage disposal systems must comply with or exceed the *Private Sewage Disposal Systems Regulation (Alta. Reg. 229/97)*, as amended from time to time.
- 5.11 Notwithstanding Policy 5.10 (b) (i), (ii) and (iii), the following exceptions apply to the servicing approach for multi-lot subdivisions:

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## MULTI-LOT SUBDIVISION

- a) The County may waive the requirement for a communal sewage disposal system where it may be required in a multi-lot subdivision when a development proposal:
    - (i) proposes minimum lot sizes of two acres; and
    - (ii) can demonstrate to the satisfaction of the County, in consultation with Alberta Municipal Affairs and/or Alberta Environment, through the application of the 'Model Process for Subdivision Approval and Private Sewage – The Suitability and Viability of Subdivisions Relying on Private Sewage Systems' (February 1, 2011)' prepared by the Alberta Association of Municipal Districts and Counties in partnership with Alberta Municipal Affairs, that an alternative technology for enhanced private sewage disposal meets or exceeds the applicable regulatory standards required of such systems, including surface water and groundwater quality; and
    - (iii) the alternative technology affords the municipality the same level of maintenance and management as a public communal system would.
- If the County is accredited to issue permits under the Safety Codes Act at the time of waiving the communal sewage disposal system requirement, then the requirement to install individual sewage disposal systems would be the responsibility of the individual property owner at the time of applying for a permit under the Safety Codes Act. If the County is not accredited, then the requirement to install individual sewage disposal systems is the responsibility of the developer under the development agreement.
- b) Any development with lots smaller than 0.45 acres (19,600 ft<sup>2</sup>) are required to be communally serviced for sewage disposal.

5.12 An application for a multi-lot subdivision must provide an internal subdivision roadway or roadways for access to individual lots. No parcel in a multi-lot subdivision is permitted to take direct access off a County road, except under circumstances pursuant to Policy 5.6 or other circumstances that the County deems appropriate.

### Road Dedication, Road Upgrading and Hard Surfacing of Roads

5.13 The applicant/developer of a subdivision is required to dedicate to the County, at no cost to the County except as provided for in policy, road widening along all road frontages of the quarter section or parcel being subdivided where the road allowance is not already 30 metres (99 feet) wide. The road widening may be achieved through a road plan or a road acquisition agreement or through a plan of survey as determined by the Subdivision Authority.

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## ***MULTI-LOT SUBDIVISION***

- 5.14 The Subdivision Authority may require the applicant/developer of a multi-lot subdivision to upgrade the Township Road and/or Range Road pursuant to Administrative Policy 1.11 Road Dedication, Road Upgrades and Subdivision Registration to the County's satisfaction and at no cost to the County, except as otherwise provided for in policy.
- 5.15 The Subdivision Authority may require the applicant/developer of a multi-lot subdivision to pave or apply another type of hard surfacing or provide dust control, or a combination of these measures, to the internal subdivision roads and/or to a Township Road and/or a Range Road that provides access to the subdivision, to the County's satisfaction and at no cost to the County, except as provided for in a cost sharing policy, when:
- a) a proposed multi-lot subdivision is deemed by the Subdivision Authority to contain lots of a depth that does not allow the placement of dwellings away from the road in order to avoid dust concerns;
  - b) the access to a multi-lot subdivision is proposed within one mile of existing pavement; and/or
  - c) the County has adopted another plan, a bylaw or a policy that proposes to bring pavement within one mile of the access to a proposed multi-lot subdivision.

### ***Rural Development Fund***

- 5.16 The County hereby establishes the 'Rural Development Fund', the purpose of which is generally to promote, develop and assist any rural or agricultural project that the Council deems to be in the interest of the rural community at large, and the County's Fee Bylaw shall require a contribution to the Fund from every multi-lot subdivision applicant. The revenue raised in this Fund shall not be used for any purpose other than what is stated in this Policy.

### ***Reciprocal Setback Distances to CFOs are Recommended but not Required***

- 5.17 In approving rezoning and subdivision applications for multi-lot subdivisions that could be incompatible with and impact an existing CFO, the County will not apply reciprocal setback distances (also refer to Policy 4.15 of this Plan).

## **6.0 RESIDENTIAL DEVELOPMENT**

### **Goal**

Support appropriately located rural and resort residential development as a means to provide opportunities to increase the population base, and provide a variety of housing opportunities that meet the needs of residents of various age groups, family types, lifestyles, and income levels.

### **Objectives**

- a) Promote the development of a range of housing types and locations capable of meeting the variety of needs of County residents.
- b) Promote economically, socially, agriculturally and environmentally sustainable residential development patterns.
- c) Promote higher residential densities in, or in proximity to existing hamlets that are capable of providing amenity, service, and employment opportunities.
- d) Encourage residential development that incorporates sustainable building practices.

### **Policies**

- 6.1 The County encourages residential development that provides opportunities for a range of rural lifestyles including agriculture, country living, hamlet living and resort living by establishing in its Land Use Bylaw land use districts and regulations appropriate to each type of residential development.
- 6.2 Where unique characteristics of a proposed residential development cannot be accommodated in an existing land use district the County may establish a Direct Control District to accommodate the proposal.
- 6.3 In the Agricultural District the County will consider the development of a second, third and additional dwellings on a single private title that contains at least 80 acres and on which farming, including a CFO, that requires the hiring of employees and requires their on-site presence is the principle use. If a private title contains less than 80 acres, the County may still consider the development of a second, third and additional dwellings on it subject to the same conditions.

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## *RESIDENTIAL DEVELOPMENT*

- 6.4 Through provisions in its Land Use Bylaw the County supports the development of one secondary suite in a detached dwelling, subject to the discretion of the Development Authority, in all residential and agricultural land use districts excluding any recreational oriented land use district.
- 6.5 Each of the existing hamlets is considered as a potential development node appropriate to accommodate urban-like development. The County encourages new residential development within and adjacent to existing hamlets based on the ability to accommodate the proposal with existing infrastructure and community facilities, provided the proposed uses are developed at a scale appropriate to the community.

## **7.0 COMMERCIAL AND INDUSTRIAL DEVELOPMENT**

### **Goal**

The County recognizes commercial and industrial development as a vital part of the economic base, as a critical means to maintain a diversified lifestyle for County residents and as a particularly important component of the municipal assessment base. As such the County is “open for business” and encourages and invites appropriate new commercial and industrial developments that enhance and diversify the local economy and increase local employment activities.

### **Objectives**

- a) Promote the establishment of a strong, diversified local economy.
- b) Explore and provide opportunities for appropriately located, serviced lands suitable for commercial and industrial development.
- c) Encourage the development of a variety of commercial and industrial land uses that contribute to a sustainable community.
- d) Promote commercial and industrial development that minimizes any potential adverse impacts on adjacent land uses.
- e) Support appropriate forms of home occupations as a type of economic development within the County.

### **Policies**

- 7.1 New commercial and industrial development is encouraged to locate in existing or new business parks along major transportation corridors or within existing hamlets.
- 7.2 In considering a proposal for a new business park the County will review the proposal based on the following criteria:
  - a) Location in proximity to primary or secondary highway;
  - b) Direct access to a county roadway suitable to accommodate the projected traffic generation;
  - c) Location in a manner that optimizes the efficient utilization of municipal infrastructure and services
  - d) Location that promotes compatible land use patterns and avoids adverse impacts on adjacent land uses; and

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## COMMERCIAL AND INDUSTRIAL DEVELOPMENT

- e) A proven water supply and sewage disposal capacity that meet or exceed Provincial regulations exist to the satisfaction of the County.
- 7.3 Isolated commercial and industrial uses outside business parks may be considered, provided the proposed development can address the following characteristics to the satisfaction of the County:
- a) The proposed development requires an isolated location;
  - b) The type, scale, size, and site design of the proposed development are appropriate for the area and compatible with adjacent uses;
  - c) The site characteristics are suitable for the proposed development;
  - d) The proposed development would not adversely impact the municipal road network;
  - e) The site can be serviced with on-site water supply and private sewage disposal systems; and
  - f) Any other safety or environmental issues have been addressed.
- 7.4 Access to all business parks or individual commercial or industrial sites is restricted. If located on a Provincial highway Alberta Transportation will determine the access points and development standards. If located on a County road the County will determine access points and development standards.
- 7.5 The County will develop design guidelines for commercial and industrial development located along major roadways or outside urban centres to ensure the appearance of the development complements the surrounding and neighbouring communities.
- 7.6 Each of the existing hamlets is considered as a potential development node appropriate to accommodate urban-like development. The County encourages new commercial and industrial development within and adjacent to existing hamlets based on the ability to accommodate the proposal with existing infrastructure and community facilities, provided the proposed uses are developed at a scale appropriate to the community.
- 7.7 Home-based businesses are considered appropriate throughout the County provided the business is subordinate to the principal residential use of the parcel and does not change the character of the principal residential use of the parcel, and the business does not create an adverse impact on adjacent land uses.
- 7.8 Home-based contractor's businesses are considered appropriate throughout the County provided the business does not change the character of the immediate area and the business does not create an adverse impact on adjacent land uses.

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## *COMMERCIAL AND INDUSTRIAL DEVELOPMENT*

- 7.9 The County will continue to cooperate with neighbouring municipalities and other stakeholders to promote regional economic development initiatives.
- 7.10 Any new industrial or commercial development or activity that is deemed by the County to be a nuisance or of a noxious nature must be located at a distance acceptable to the County from the nearest residence or place of public assembly, unless mitigating measures will be implemented to reduce adverse impacts on such uses.
- 7.11 Where possible the County will direct uses that are deemed by the County to be incompatible with proposed or existing commercial or industrial development to locations that do not encroach upon those commercial or industrial developments.

## 8.0 NATURAL ENVIRONMENT

### Goal

The County's most significant and enduring resource is its natural capital, referring primarily to the agricultural and environmental lands present in the County. These lands are irreplaceable and contribute immensely to the high quality of life enjoyed by the residents of the County. The use of natural capital, therefore, must be carefully managed to retain their integrity and value for the benefit of future generations. The County aspires to establish and implement a land management philosophy that strives to balance the conservation of natural capital with long term growth needs. In doing so, the County supports the preservation and enhancement of environmentally significant areas, protect the ecological function and integrity of natural features and fish and wildlife habitats and promote environmentally sensitive development practices that minimize the impact of human activity on the natural environment.

### Objectives

- a) Protect environmentally significant areas from incompatible land uses.
- b) Minimize the impacts of development on the natural environment.
- c) Raise community awareness of the impacts of human activity on the eco system.

### Policies

- 8.1 Specifically with regard to multi-lot subdivisions, and pursuant to the *Planning and Subdivision Guidelines*, the County endeavours to protect lands that are deemed to be environmentally significant through a combination of process and design requirements and a variety of legislative and voluntary techniques. These may include but are not limited to conservation design principles, public communal water and sanitary sewer servicing, storm water management plans, and environmental reserve dedication or the placement of conservation easements on environmentally sensitive areas.
- 8.2 Lands specifically considered environmentally significant are illustrated in the *Environmentally Significant Areas of Lacombe and Stettler Counties, November 1988*. The exact boundaries of these lands must be determined at the time of subdivision or development by a qualified professional engineer at the developer's expense. In addition, lands not identified in the above referenced document but which are generally considered to be of environmental significance, include:
  - a) water related landscapes, especially major lakeshores and river valleys and also wetlands of Class 3 and higher based on the Stewart and Kantrud

- Wetland Classification System and their associated riparian zones and major drainage courses and their associated riparian zones;
- b) hazard lands;
  - c) important groundwater aquifer and recharge areas;
  - d) the habitat of rare or endangered plant or animal species; and
  - e) other areas considered to be especially scenic or diverse.
- 8.3 Subdivision and development proposals involving hazard lands may be required to include a Phase 1 Environmental Site Assessment in accordance with the *Canadian Standards Association Z768-01* and/or a geotechnical assessment conducted by a qualified professional engineer, and to follow the recommendations of these studies regarding measures that could mitigate the hazardous conditions.
- 8.4 No permanent structures are permitted within the definable 1:100 year floodplain of any river, stream or other water body, unless proper flood proofing techniques recommended by a qualified professional are applied as part of a subdivision or development application.
- 8.5 To encourage the protection of riparian zones, the minimum width of an environmental reserve adjacent to a waterbody or, in the absence of an environmental reserve, the minimum width of a development setback from a waterbody shall be 30 metre (100 feet) measured from the bed and shore of the water body or from an associated water management right-of-way to the nearest boundary of private property, subject to the discretion of the County. Retention or new planting of natural vegetation is encouraged within the building setback as a means of enhancing water quality through sediment and contaminant removal and biodegradation.
- 8.6 The County encourages the use of conservation easements by landowners as a means of preserving significant natural features and areas that do not qualify for environmental reserve dedication pursuant to the *Municipal Government Act*. The use and control of these features and areas must be clearly stated in the easement agreement.
- 8.7 The County encourages raised awareness about environmental issues and supports actions and initiatives that increase individual and public environmental responsibility.
- 8.8 The County encourages developers to explore opportunities for alternative building methods that meet the Alberta Building Code and are compatible with the voluntary LEED™ green building rating system administered by the Canadian Green Building Council in order to encourage the development of more

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## *NATURAL ENVIRONMENT*

sustainable housing projects. Sustainable building practices include, but are not limited to the following:

- a) Minimizing storm water volumes through the installation of roof top gardens or on-site cisterns;
- b) Installing water saving plumbing fixtures;
- c) Using water efficient landscaping;
- d) Increasing energy performance through reduction in demand, harvesting site energy and efficient building design;
- e) Reducing waste by extending the life of existing buildings and using local and recycled building materials;
- f) Improving indoor environmental quality through efficient heating and ventilation; and
- g) Reducing light pollution and energy costs by installing outdoor lights that are designed to minimize escape of light to the sky or beyond the site.

## **9.0 TRANSPORTATION AND UTILITIES**

### **Goal**

Encourage and facilitate the development and maintenance of effective, economical, and efficient transportation and utility networks that meet the needs of residents, businesses, and industry and are supportive of planned growth and local economic development.

### **Objectives**

- a) Plan and manage the transportation system in cooperation with Alberta Transportation and neighbouring municipalities that provides for the safe and accessible movement of people and goods.
- b) Promote public health and safety and environmental integrity in the approval of any transportation or utility infrastructure.
- c) Encourage alternative utilities such as innovative heating and energy systems.

### **Policies**

#### **General**

- 9.1 The County will evaluate subdivision or development applications based on, amongst other considerations, the available and projected capacity of its transportation and utility systems, including those that are governed by agreements with other municipalities.
- 9.2 When considering subdivision and development applications the County may require an assessment of the transportation and utility infrastructure necessary to access and service the proposal and may require the developer to dedicate rights-of-way and/or upgrade or contribute towards future upgrading of required roads and utility infrastructure to meet the County's minimum standards.
- 9.3 Subject to any cost sharing policy of the County the provision and cost of all road and utility infrastructure required to service a new subdivision or development are the responsibility of the developer, and the County may require the developer to enter into a development or subdivision agreement to this effect.
- 9.4 All subdivision and development proposals with the potential for substantial road or utility infrastructure impact are encouraged to locate in areas that are serviced with roads and utility systems that have been designed and constructed to

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## TRANSPORTATION AND UTILITIES

- accommodate the development to the satisfaction of the County. In the event that none of the above-mentioned areas are available the County may impose off-site levy bylaws to recover part or all of the cost of constructing, upgrading, and/or maintaining the road network and utility systems.
- 9.5 The County will endeavour, through its input to the approving process of the Energy Resource Conservation Board, to require that rights-of-way for utilities (e.g. electric transmission lines or oil and gas pipelines) are located in such a manner as to minimize the visual or other impact on existing or proposed residential development and agricultural operations by paralleling existing rights-of-way or following property lines.

### Roads

- 9.6 The County strives to develop and requires development proponents to contribute to the development of an effective primary road network designed to accommodate traffic and maintain the integrity of the overall network to the satisfaction of the County.
- 9.7 The cost of providing legal and physical access, at the County's minimum road and culvert standards, to a proposed development or to each parcel in a proposed subdivision is the responsibility of the applicant.
- 9.8 Through the approval process the County will ensure that developers pay for the construction of access points and intersections from subdivisions or developments to public roadways in accordance with the County's minimum standard, or another standard if required by Alberta Transportation.
- 9.9 The County requires that the following criteria associated with roadway safety are satisfied in all subdivision and development applications:
- a) Limiting the number and type of access points onto provincial highways (in consultation with Alberta Transportation) and municipal roadways;
  - b) Requiring the proposed subdivision and/or development application to provide for service roads; shared access points; or access via a local road; and
  - c) Any other criteria deemed appropriate by the County or Alberta Transportation.
- 9.10 As part of the redesignation, subdivision, or development application processes the developer may be required to submit a Traffic Impact Assessment.
- 9.11 Setback, buffering and screening of roads or railway corridors from adjacent land uses may be required to the satisfaction of the County as part of a subdivision or

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## *TRANSPORTATION AND UTILITIES*

- development application as a means to enhance public safety or to mitigate noise or other annoyances caused by proximity to transportation infrastructure.
- 9.12 The County will continue to update its Transportation Plan every five years in consultation with the applicable provincial agencies and adjoining municipalities.

### *Water, Sanitary Sewer, Stormwater and Solid Waste*

- 9.13 The County encourages the incorporation of water conservation measures into all new developments.
- 9.14 All water and sanitary sewer systems, including private on-site water wells and sewage disposal systems, must comply with provincial regulatory and licensing requirements in place at the time of the subdivision or development application.
- 9.15 The County requires the use of water and sanitary sewer systems that do not negatively impact the integrity of surface and groundwater availability or quality.
- 9.16 A development that is deemed to be a major development, at the sole discretion of the County, that proposes to utilize private, on-site water supply and sewage disposal systems may be required to obtain the approval of relevant Alberta Government agencies and, in addition, may be required to enter into a deferred servicing agreement to ensure that the development is connected to public water and/or sanitary sewer systems upon availability.
- 9.17 The County, in consultation with Alberta Environment, may require a stormwater management plan, prepared by a qualified professional engineer to the satisfaction of the County in consultation with Alberta Environment, for any subdivision or development application.
- 9.18 The County will continue to work with surrounding municipalities on an integrated regional solid waste management plan.

## 10.0 RECREATION

### Goal

Recreation facilities will be directed to locations that facilitate rural settlement and improve the quality of rural life. Open space will be conserved for community facilities to serve the best interests of the community as a whole.

### Objectives

- a) Integrate environmentally sensitive features into parks, recreation areas, and open spaces where appropriate.
- b) Continue to coordinate with urban municipalities in the provision of recreational services and opportunities that enhance the quality of life of County residents.
- c) Encourage an integrated park, recreation, and open space system that serves a variety of leisure interests.

### Policies

- 10.1 The County encourages appropriate private recreation facilities to locate on lands that may include but are not limited to:
  - a) lake and river valley landscapes;
  - b) landscapes with interesting terrain, vegetation or other features; and
  - c) sites containing features with cultural or historical significance.
- 10.2 The County encourages low impact, low maintenance parks, recreation areas, and open spaces (for example, leaving a park in its natural state except for the land area required to install playground equipment and a parking lot).
- 10.3 The County requires that major parks and recreation facilities are designed in accordance with the following general criteria:
  - a) Minimize conflicts with adjacent land uses;
  - b) Provide reasonable privacy to residences;
  - c) Minimize the disturbance and/or removal of topsoil and vegetation;
  - d) Provide direct legal and physical access to a standard acceptable to the County;
  - e) Retain the natural features of the site to the extent feasible to assimilate the proposal into the rural landscape;
  - f) Conserve or enhance environmentally sensitive areas;
  - g) Provide connectivity within and between neighbourhoods;

- h) Provide opportunities for private or joint ventures; and
  - i) Incorporate Crime Prevention Through Environmental Design (CPTED) principles.
- 10.4 The County encourages a variety of private and public recreational opportunities as a means of:
- a) Bringing various segments of the community together through sports, arts, environmental, cultural, and family activities; and;
  - b) Strengthening complementary tourism initiatives, attractions, and services.
- 10.5 The County encourages the identification and protection of corridors to provide linkages among the open space network.
- 10.6 The County continues to support recreation agreements with all of its urban neighbours.
- 10.7 The County may consider partnership agreements with community organizations to jointly develop or support recreational facilities.
- 10.8 The County requires developers to provide at their cost, or contribute to the costs of providing, new or enhanced public lake or river access opportunities as a condition of subdivision or development approval.
- 10.9 The County encourages the development of recreation facilities in an effective and efficient manner through cooperative ventures with private and public sector groups.
- 10.10 The County, in consultation with Recreation Boards, will endeavour to develop standards for the development of indoor and outdoor leisure facilities and amenities that are equitably distributed throughout the County based on the population base and to meet the needs of its residents.
- 10.11 The location, planning, design and construction of a leisure facility or amenity must be undertaken in consultation with the relevant stakeholders (e.g. Recreation Boards, user groups, community association, etc.).

## **11.0 COMMUNITY FACILITIES AND SERVICES**

### **Goal**

Continue to support and provide effective and responsive community facilities and services that enhance the quality of life of all County residents.

### **Objectives**

- a) Develop community facilities to support the needs of existing and future populations.
- b) Seek cooperative relationships with school authorities to meet community needs.
- c) Continue to improve public accessibility to community facilities and services.

### **Policies**

- 11.1 The County encourages the development of community facilities and services in an effective and efficient manner through cooperative ventures with private and public sector groups.
- 11.2 The County will regularly review with the School Divisions future school projections and site needs as well as any potential opportunities to establish joint-use facilities to expand the availability of community facilities and services.
- 11.3 The County supports the joint-use of local schools for community programs for youth/families and continuing education.
- 11.4 The County will continue to work with adjacent municipalities and relevant government agencies to ensure that emergency and protective services provide new and existing development with appropriate levels of fire protection, ambulatory services, and police protection.
- 11.5 As part of the redesignation, subdivision, or development application processes the developer must accommodate design elements that consider safety factors and facilitate accessibility by fire, ambulance, and police services to the satisfaction of the County.

## **12.0 NATURAL RESOURCE EXTRACTION**

### **Goal**

Strive towards the orderly and well-managed extraction of natural resources in the County.

### **Objectives**

- a) Ensure the responsible, timely, and economical extraction of Natural Resources.
- b) Minimize the impact of natural resource extraction on adjacent land uses and municipal infrastructure.
- c) Direct subdivision and development in a manner that conserves aggregate resources for eventual recovery.
- d) Minimize the negative impact of aggregate resource extraction on the environment as well as ensure effective reclamation practices.
- e) Ensure that new developments comply with the setback requirements as determined by the Energy and Resources Conservation Board (ERCB).

### **Policies**

- 12.1 The County encourages the extraction of natural resources prior to the subdivision and/or development of the lands for other uses.
- 12.2 All applications for aggregate resource extraction are required to address potential impacts on adjacent land uses, including but not limited to dust, noise, hours of operation, and traffic generation, to the satisfaction of the County.
- 12.3 The County will work with natural resource industry representatives to coordinate planning, growth, and development in the County.
- 12.4 The County may require buffering and screening between the natural resource extraction industry and adjacent land uses during the development permit stage.
- 12.5 The County requires development permits for sand, gravel and surface mineral extraction and processing in accordance with the provisions set out in the Land Use Bylaw.

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## NATURAL RESOURCE EXTRACTION

- 12.6 The County will collaborate with provincial agencies to identify the location of aggregate resources to maintain an accurate and current database on resources that assist in making informed land use planning decisions and to protect these areas from surface development.
- 12.7 The County will consult with the ERCB with regards to subdivision and development applications to ensure that all appropriate setbacks are enforced adjacent wells and pipelines.
- 12.8 The County will consult with the ERCB to facilitate the coordination of proposed pipeline corridors in order to minimize the fragmentation of land or any other impact deemed by the County to be potentially adverse on existing or proposed development or infrastructure.

## 13.0 RESERVE LAND DEDICATION

### Goal

The County strives to achieve an equitable balance between development and conservation while protecting public lands for the optimal benefit of all ratepayers.

### Objectives

- a) Ensure that reserve lands are dedicated at the time of subdivision to provide public access to water bodies and open space for the benefit of the general public.
- b) Identify and require the reserve dedication of environmentally sensitive lands as natural open space for public use and enjoyment.

### Policies

#### Municipal and/or School Reserves

- 13.1 The County requires the dedication of municipal and/or school reserve that meet the present and future needs of residents to the satisfaction of the County. The dedication of reserves must provide open space for the development of parks, the protection of culturally significant features, the preservation of environmentally significant or sensitive areas, and to provide setbacks from hazardous areas through consultation with:
  - a) the School Divisions;
  - b) recreation board;
  - c) the local community and other interest groups; and
  - d) government agencies.
- 13.2 The amount of land to be dedicated as municipal and/or school reserve must be determined during the preparation of an area structure plan or outline plan or, if the preparation of such a plan is not required, during the processing of a subdivision application.
- 13.3 Municipal and/or school reserves must be dedicated at a minimum of 10% of the developable subdivision area, which excludes land identified for environmental reserve dedication. The County will not waive the 10% municipal and/or school reserve dedication entitlement in whole or in part, except for parcels created for public or quasi-public uses such as churches/cemeteries, public recreational facilities, or public utilities, but at the County's discretion only.
- 13.4 The County will not defer the dedication of municipal and/or school reserves, and instead will accept cash-in-lieu of land, pursuant to Policy 13.5. Only in a phased multi-lot subdivision where municipal and/or school reserve are not provided in a current phase and are planned for subsequent phases, the County may consider

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## RESERVE LAND DEDICATION

- the deferment of municipal and/or school reserve, and then only if it is reasonably certain that all phases of the subdivision will be completed within a reasonable time frame to ensure residents of the subdivision enjoy the benefits of municipal and/or school reserve.
- 13.5 The County may accept cash-in-lieu of land for municipal and/or school reserve dedication, but only in the following circumstances:
- a) where the amount of land to be dedicated as reserve is too small to be useful;
  - b) the area is unlikely to benefit from municipal and/or school reserve land dedication in the foreseeable future;
  - c) in industrial or commercial areas; or
  - d) in back lot lake subdivisions.
- 13.6 The money generated from the acceptance of cash-in-lieu of land will be allocated to the municipal reserve fund and may be used for municipal and/or school reserve purposes in other locations to the benefit of the larger community in proximity to the subdivision site.
- 13.7 If the applicant and the County cannot agree on a land value to determine the amount of cash-in-lieu of land for municipal and/or school reserve dedication, the applicant is required to provide a market value appraisal certified by a qualified appraiser, pursuant to the *Municipal Government Act*, based on the market value of the land as of a specific date occurring within 35 days following the date on which the application for subdivision is made. The amount of money to be paid as cash-in-lieu of land must be agreed upon before subdivision approval is considered.
- 13.8 Municipal reserve lands must be located to optimize the benefit to the maximum number of residents and not necessarily to achieve a central location.
- 13.9 Municipal reserve may be considered as a buffer between incompatible land uses.
- 13.10 For new multi-lot residential subdivisions adjacent to lakeshores and river banks, municipal reserve must be linked with shoreline environmental reserve parcels to secure public access to the water body and protect riparian zones associated with the water body. The location, size and configuration of municipal reserve parcels must recognize its potential public access function.
- 13.11 Municipal and/or school reserve requirements and the method of providing for the required reserve must be determined in an area structure plan or outline plan as part of a subdivision application.

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## RESERVE LAND DEDICATION

- 13.12 The County encourages the development of parks and/or public facilities, by the developer, on municipal and/or school reserve parcels in compact country residential subdivisions or hamlets that are physically suited and/or of a size that accommodates such development to the satisfaction of the County.
- 13.13 The County may encourage resident groups to assume management of local park facilities through a variety of management strategies.
- 13.14 The County may give consideration to the disposition of municipal reserve lands either through sale or lease where lands no longer serve an existing or potential open space or school purpose. Moneys obtained from the sale of such lands will continue to be allocated to the municipal reserve fund to purchase or enhance parks, natural areas or school lands.
- 13.15 Municipal and/or school reserve lands and/or cash-in-lieu of land will be dedicated to the County. The County will consult with the School Divisions to disperse school reserves on an as needed basis.

### Environmental Reserve Parcels and Environmental Reserve Easements

- 13.16 At the time of subdivision the dedication of an environmental reserve parcel or environmental reserve easement is required for those lands and natural features described in the Municipal Government Act, to the satisfaction of the County. The width of the environmental reserve parcel or environmental reserve easement shall be determined based on the guidelines contained in the *'Standard Recommendations to Municipal Subdivision Referrals'* issued by Alberta Sustainable Resource Development (September 2007) attached as Schedule 'A'. A variation in the recommended width of an environmental reserve parcel or environmental reserve easement may be accepted based on the recommendations of a qualified professional or for minor water features such as an unnamed creek or a Class 1 or Class 2 wetland based on the *Stewart and Kantrud Wetland Classification System*. Retention or new planting of natural vegetation is encouraged within the environmental reserve parcel or environmental reserve easement as a means of enhancing surface water runoff quality through sediment and contaminant removal and biodegradation.
- 13.17 Setback distances from areas containing hazard lands or undevelopable lands that meet the requirements of the *Municipal Government Act* must be dedicated as environmental reserve at the time of subdivision.

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## RESERVE LAND DEDICATION

- 13.17A Notwithstanding Policy 8.5, Policy 13.16 and Policy 13.17, the County may determine that lands that meet the definition of Environmental Reserve as described in the Municipal Government Act are best managed through ongoing private ownership/stewardship and choose to not require the dedication of an Environmental Reserve parcel or the creation of an Environmental Reserve Easement.
- 13.18 The amount of land to be dedicated as environmental reserve must be determined during the preparation of an area structure plan or outline plan or, if the preparation of such a plan is not required, during the processing of a subdivision application.
- 13.19 An environmental reserve easement instead of an environmental reserve parcel may be considered only where public access is not desirable and where municipal enforcement and management is not required.
- 13.20 Pursuant to the *Municipal Government Act*, certain public developments may be allowed to exist on environmental reserve lands only if such development can be accessed and used by the public.
- 13.21 A conservation easement may be considered to preserve significant natural features and areas that do not qualify as environmental reserve under the *Municipal Government Act*. The use and control of these features and areas must be clearly stated in the easement agreement.
- 13.22 Environmental reserve must be maintained in its natural state or used as park.

## **14.0 INTERMUNICIPAL PLANNING**

### **Goal**

The County recognizes the importance of partnerships with neighboring municipalities in the provision of infrastructure, land use planning, economic development, and environmental conservation. The County will cooperate with adjacent urban and rural municipalities towards maintaining mutually beneficial relationships and accomplishing orderly, compatible land use patterns and infrastructure in the fringe areas.

### **Objectives**

- a) Provide opportunities to engage in joint planning initiatives within urban fringe areas surrounding each of the County's urban municipalities.
- b) Facilitate discussions among adjacent rural municipalities on issues regarding regional servicing, border land use patterns, and other items of mutual interest.
- c) Maintain and enhance lines of communication among adjoining municipalities to resolve conflicts and identify opportunities for collaboration.
- d) To plan highways and bypass routes most appropriately in collaboration with Alberta Transportation, adjacent municipalities and affected landowners.

### **Policies**

- 14.1 The County will update existing intermunicipal development plans in accordance with the defined timeframe within each of the individual plans and may seek to prepare new intermunicipal development plans guiding land use and development within the urban fringe areas where no plan currently exists.
- 14.2 Planning and development referrals in areas subject to an intermunicipal development plan shall be directed by that plan.
- 14.3 In those areas not subject to an adopted intermunicipal development plan the County will define a 1.6 kilometre (1-mile) urban fringe area around an urban municipality, and a ½ mile rural fringe area adjacent to the boundaries of neighbouring rural municipalities. In any of these fringe areas the following applications will be referred to the affected municipalities for their review and comment prior to the County making a decision:
  - a) Any proposed amendments to the Municipal Development Plan or textual amendments to the Land Use Bylaw;
  - b) Proposed area structure plans, area redevelopment plans or outline plans and plan amendments; and
  - c) Land use bylaw amendments and rezoning, subdivision and development applications located within the defined urban fringe area.

- 14.4 In considering the long term planning and annexation needs of urban neighbours the County will promote the following principles:
- a) The County supports, in principle, annexation proposals that recognize and respect the value of its agricultural land base and the viability of its existing and planned non-agricultural tax base;
  - b) The County supports, in principle, annexation proposals that incorporate 'Smart Growth' principles to promote compact urban form and reduce the sprawl of development onto agricultural lands; and
  - c) The County supports, in principle, annexation proposals that provide enough land to meet the growth needs of urban neighbours for a minimum period of thirty years at a time, based on an analysis of the long term historical growth rate of the urban municipality.

## **15.0 IMPLEMENTATION**

### **Goal**

Effectively implement the goals, objectives, and policies of the Municipal Development Plan in all future development related decisions as a means to achieve the long-term vision for the County.

### **Objectives**

- a) Ensure consistency between the Municipal Development Plan and all other statutory and non-statutory plans.
- b) Monitor the effectiveness of the goals, objectives, and policies of the Municipal Development Plan.
- c) Implement the goals, objectives, and policies of the Municipal Development Plan in all aspects of the County's planning and development actions.

### **Policies**

- 15.1 This Plan will be implemented through the Land Use Bylaw, other statutory and non-statutory plans, administrative policies, and the subdivision and development review process.
- 15.2 The policies of this plan will be utilized as a guide to the preparation and review of all new planning documents, or amendments to existing planning documents.
- 15.3 Amendments to this Plan will be undertaken in accordance with the provisions of the *Municipal Government Act*.
- 15.4 The County will conduct a formal review of this Plan within five to eight years of its adoption to ensure the validity and effectiveness of the vision, goals, objectives, and policies. The review will be timed so that a new Council does not have to undertake the review within the first year after their election.
- 15.5 In the interim years between each formal review the County may undertake an informal annual review at an administrative and committee level, including community input through creative and compact public consultation methods.

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## DEFINITIONS

### 16.0 DEFINITIONS

The following definitions shall apply for the purpose of this Municipal Development Plan. Where a word or a term is not defined here, the definition shall be found in the County's Land Use Bylaw and failing that, the general meaning of the word shall apply.

**Area Redevelopment Plan** means a statutory plan prepared pursuant to the Municipal Government Act. The timeline for build-out may be related to an implementation program or be general. It provides a framework for the preservation, rehabilitation, removal and replacement of buildings and for the construction of new buildings, and for the rezoning and subdivision of land to facilitate this process.

**Area Structure Plan** means a statutory plan prepared pursuant to Section 633 of the Municipal Government Act. It can be a local, short-range plan for a small land base, typically with a shorter than five-year anticipated build out and covering two quarter sections of land or less. It provides a site-specific, detailed framework for rezoning, subdivision and development. Staging of development, land use, density and infrastructure matters are considered. An area structure plan can also be a long-range plan for a large land base, typically with a longer than five-year anticipated build out and covering more than two quarter sections of land. It provides a high-level framework for future land use patterns and infrastructure provision.

**Back Lot or Back Lot Lake Subdivision** means a lot or a subdivision adjacent to a lake where no part of any parcel boundary is physically connected to a lake or to an Environmental Reserve or a Municipal Reserve adjacent to a lake.

**Bare Parcel** means a parcel that is undeveloped. For the purpose of this Plan the remains of a former farmstead is deemed to be a bare parcel.

**Boundary Adjustment** means a subdivision that changes the boundaries of one or more existing parcels without creating a new parcel.

**Confined Feeding Operation (CFO)** means a confined feeding operation as defined in the Agricultural Operation Practices Act. The County does not regulate confined feeding operations but maintains relevant policies in the Municipal Development Plan

**Conservation Design Principles**, in its classic format, means a design approach based on first identifying the primary and secondary conservation areas, setting these areas aside for conservation, then locating building sites on the lands that are best suited for development, then connecting the building sites through a road system and finally drawing lot lines to delineate the extent of private or public ownership of parcels. It is further defined in the *Planning and Subdivision Guidelines*.

**Conservation Easement** means a voluntary legal agreement defined in the Environmental Protection and Enhancement Act between a landowner

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## DEFINITIONS

and government or conservation agency. The easement agreement is intended to protect the natural values of the land by giving up all or some of the rights to develop the land.

**Ecological Function** means the broader regional roles and interrelationships provided by natural features. Examples include the water purification performed by wetland and riparian zone vegetation, the use of natural vegetation and terrain features by wildlife, aquatic species, and plants (through seed) to access new habitat, or the recharge and discharge of groundwater through wetlands.

**Environmental Reserve** means land considered, in accordance with Section 664 of the Municipal Government Act, to be undevelopable because of its natural features or location (e.g. unstable slopes or flood prone); environmentally sensitive (e.g. gully ravine or coulee); or, a minimum six metre wide strip of land abutting the bed and shore of a body of water or water course, that a developer may be required to dedicate at the time of subdivision.

**Hamlet** as defined by the Municipal Government Act, means an unincorporated community consisting of five or more buildings as dwellings, a majority of which are on parcels of land smaller than 1,850 square metres, has a generally accepted boundary and name, and contains parcels of land that are used for non-residential purposes.

**Hazard lands** means lands that are considered to be undevelopable due to its physical features, including 15% or

greater slopes, areas susceptible to flooding, erosion or subsidence and lands that may otherwise qualify for environmental reserve dedication pursuant to the Municipal Government Act.

**Intermunicipal Development Plan** means a statutory plan that may be prepared for the fringe area with any adjacent municipality pursuant to the Municipal Government Act and the policy direction of the Municipal Development Plan.

**Land Use Bylaw** means a statutory document pursuant to the Municipal Government Act. It provides for matters such as land use districts, permitted and discretionary uses, site development regulations, landscaping and parking standards, signage, and the development application process.

**Lake Front Lot or Lake Front Lot Subdivision** means a lot or a subdivision adjacent to a lake where some part of any parcel boundary is physically connected to a lake or to an Environmental Reserve or a Municipal Reserve adjacent to a lake.

**LEED™ green building rating system** is the recognized standard for measuring building sustainability. Achieving LEED certification is a way to demonstrate that a building project is truly "green." The LEED green building rating system is designed to promote design and construction practices that increase profitability while reducing the negative environmental impacts of buildings and improving occupant health and well-

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## DEFINITIONS

being. Definition extracted from <http://www.nrdc.org/buildinggreen/lead.asp>.

**“Multi-lot Subdivision”** means any group of two (2) or more parcels (private title or otherwise) located adjacent to each other and within the same subdivision plan registered at the Land Titles Office, and having an internal public access road other than a Township Road, Range Road or provincial highway. It includes a hamlet, village or town. A row of adjacent lots, whether or not they are within the same subdivision plan, that each takes access directly off of a Township Road, Range Road or provincial highway without a service road, is deemed not to be a multi-lot subdivision.

**Municipal and/or School Reserve** means reserves required in accordance with Section 666 of the Municipal Government Act at the time of subdivision for park and/or school purposes.

**Natural Capital** means the renewable and non-renewable resources present in the County including agricultural lands, environmentally significant lands and water but also the many other environmental goods and services that anchor the County's quality of life and support economic activity.

**Nuisance or Noxious Activity means** means any activity that, due to visual appearance, noise, dust, smoke, odour, glare, vibration, radiation, heat, electrical or radio disturbance, explosive hazards or the risk of toxic emissions or fire detectable beyond the property

boundary, or excessive traffic generation or anything dangerous, may be deemed to be of an objectionable nature in the opinion of the Development Authority.

**Outline Plan** means a plan similar in process and content to a short-range area structure plan and is adopted by a resolution of Council instead of by a bylaw. As such it is a non-statutory plan.

**Permanent bona-fide and viable building** for the purpose of Policy 4.6 d) (ii) means a usable building in a good state of repair that has unmovable footings, and may include a pole shed but does not include a building or structure located on skids.

**Private title** means a land title held by any party for any purpose, but does not include a title held by:

- a) the Crown, a government agency, a municipality or a not-for-profit society for the purpose of public facilities, public institutions, roads, railway lines and/or nature conservation, or
- b) a private corporation for the purpose of commercial or industrial enterprise, pipelines, rights-of-way, oil and gas wells or other installations associated with the oil and gas industry or other energy infrastructure, or

and further to all of the above, a private title specifically includes any title to land that is used for residential purposes of any kind and/or for the purpose of an agricultural operation that includes a dwelling unit of any kind.

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## DEFINITIONS

**Smart Growth** means an urban planning and transportation theory that concentrates growth in the center of a city to avoid urban sprawl; and advocates compact, transit-oriented, walkable, bicycle-friendly land use, including neighborhood schools, complete streets, mixed-use development with a range of housing choices. Smart growth values long-range, regional considerations of sustainability over a short-term focus. Its goals are to achieve a unique sense of community and place; expand the range of transportation, employment, and housing choices; equitably distribute the costs and benefits of development; preserve and enhance natural and cultural resources; and promote public health.

[http://en.wikipedia.org/wiki/Smart\\_growth](http://en.wikipedia.org/wiki/Smart_growth)

**Sustainable or Sustainability** means, in a broad sense, the capacity to maintain a certain process or state. It is now most frequently used in connection with biological and human systems. In an ecological context, sustainability can be defined as the ability of an ecosystem to maintain ecological processes, functions, biodiversity and productivity into the future. Sustainability has become a complex term that can be applied to almost every facet of life, particularly the many different levels of biological and human organization concepts and human activities and disciplines. Definition extracted from [http://en.wikipedia.org/wiki/Sustainable\\_development](http://en.wikipedia.org/wiki/Sustainable_development).

**Un-subdivided Quarter Section** means:

- a) a parcel of land pursuant to the definition of un-subdivided quarter section provided in the Subdivision and Development Regulation (AR 43/2002); or
- b) a quarter section that contains approximately 160 acres in one title from which no subdivision has occurred for purposes of a private title; or
- c) if additional private titles exist on the date this Plan is originally adopted by bylaw (August 12, 2009) due only to fragmentation by a natural feature, a road or a railway line, then the remainder of the quarter section that contains at least 100 acres in one title shall be deemed to be an un-subdivided quarter section; or
- d) that portion inside the County of Stettler No. 6 of a parcel of land that lies partially in the County and partially in an adjacent municipality shall be deemed to be an un-subdivided quarter section regardless of its size.

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## 17.0 SCHEDULES

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# SCHEDULE 'A'



## Guidelines

### Sustainable Resource Development Standard Recommendations to Municipal Subdivision Referrals (Includes Recommended Minimum Environmental Reserve Widths)

#### Background

Land-use planning in Alberta is governed by several pieces of legislation including the *Public Lands Act (PLA)* and the *Municipal Government Act (MGA)*. The *PLA* is administered by the Province and provides for the use and allocation of provincially owned lands. The *MGA* assigns municipalities with the responsibility of planning and regulating the subdivision and development of land within a municipality. The co-ordination of planning activities is a key factor in sustainable development and long-term use of provincial lands as well as achieving local economic development and land-use objectives.

Alberta Sustainable Resource Development (SRD) shares common interests with municipalities related to the conservation of the natural environment. Because conservation may be affected by the processes of land-use zoning, and subdividing and developing land, it is important for municipal and provincial planning efforts to use consistent approaches and pursue a high level of cooperation and coordination.

The provincial *Land Use Policies*, approved by Order in Council 522/96 supplement the planning provisions of the *MGA* and the Subdivision and Development Regulations and help municipalities with harmonizing provincial and municipal policy initiatives at the local land-use planning level.

A number of key resource management areas are recognized in Sections 5 and 6.3 of the provincial *Land Use Policies*, specifically:

- landscapes with ravines, valleys, stream corridors, lakeshores, wetlands and areas of wildlife habitat;
- areas prone to flooding, erosion, landslides and subsidence;
- water resources, including sensitive fisheries habitat and aquatic resources; and
- areas that allow public access to these public resources.

To meet the intent of the provincial *Land Use Policies* and to assist municipalities to establish land use patterns and mitigative measures to minimize negative impacts on natural resources, SRD provides municipal authorities the following considerations and guidelines for minimum environmental reserve/easement widths.

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## Goal

SRD's goal is to have adequate riparian buffers established between a proposed development and a lake, river, watercourse, or wetland. SRD strongly supports the use of Environmental Reserve lands that support a reserve's protective functions. Activities such as clearing of vegetation, infilling, slope re-grading or excavation, drainage into or out of, discharge of effluents, or disposal of debris or other waste can impair those protective functions. SRD strongly supports municipalities in using all available tools and best management practices available to them to ensure that the long-term integrity and functionality of Environmental Reserve lands are maintained. These tools include, but are not limited to, by-laws and conditions on development permits that:

- reflect the sensitivity of the lands and which are likely to continue to preserve the functions that a healthy riparian area provides;
- ensure Environmental Reserves are not affected by grading of adjacent lots prior to construction and development arising out of the subdivision and development process. For example, the use of Grading Permits would provide a mechanism where erosion and sediment control measures can be directed to prevent pollution of aquatic environments;
- ensure the protection of tree cover in areas deemed to be environmentally sensitive, especially in areas adjoining water bodies and watercourses, or where lands are subject to erosion or slope failure; avoid, wherever possible, the enclosure of long stretches of a natural watercourse so that they continue to remain above ground. SRD encourages municipalities to utilize bridges at larger or more sensitive streams rather than culverts; and
- incorporate natural wetland areas into green space and park systems wherever possible with sufficient buffer areas to facilitate their long-term sustainability.

To assist municipalities in incorporating the *Land Use Policies* into municipal planning and orderly development responsibilities, SRD provides the following Environmental Reserve recommendations in Tables 1 and 2 (attached). These recommendations were developed based on:

- past recommendations provided to municipalities;
- knowledge of approaches or enhanced provisions some municipalities are currently implementing within their own policies; and
- a synthesis of approaches currently being adopted by other Canadian municipalities to deal with development involving hazard lands or development near water bodies.

### Sustainable Resource Development Recommended Guidelines for Minimum Environmental Reserve/Easement Widths

In reference to Section 664 of the *Municipal Government Act*, the following are recommended where a boundary to a proposed subdivision is a water body or watercourse.

**Table 1. Standard recommended minimum widths for Environmental Reserves or Environmental Reserve Easements based on type of water feature.**

Water Feature	Minimum ER Width <sup>2</sup>	Notes
Reservoirs & Regulated Lakes	30 m from right of way or easement boundary	A regulated lake is a lake where water levels are established to a predetermined elevation and actively managed through use of a licensing requirement (e.g. to pump water into the water body).
Lake (natural & controlled)	30 m from natural boundary	On controlled lakes, 30 m from sill elevation of licensed control structure.
Swamp/wetland <sup>1</sup>	Variable, include wet meadow zone	Wet meadow zone can be extensive in some situations, and in these instances the ER should be wide enough to preserve ecological function.
Large River $\geq$ 15m width	30+ m	See additional requirements for hazardous lands.
Small River/Large Stream (6-15 m)	15 m	See additional requirements for hazardous lands.
Medium Stream (3 - 6 m)	10 m	See additional requirements for hazardous lands.
Small Stream $\leq$ 3 m)	6 m	See additional requirements for hazardous lands.
Ephemeral watercourse (no defined channel)	0 m	Use bylaw to regulate tree cutting within a defined distance from feature to maintain riparian vegetation and drainage.
Braided Stream	10 m from outside boundary of active floodway	

<sup>1</sup> Sustainable Resource Development views the term "swamp" to mean any area with hydrological conditions of sufficient duration to have developed saturated soils and hydrophytic vegetation (i.e. wetlands or peatlands).

<sup>2</sup> In addition to the recommended ER width for the water feature itself, associated landscape features may require the ER width to be modified to factor in additional inherent hazards to development.

For lands described in section 664(1)(b) of the *Municipal Government Act* (unsuitable for development because they are subject to flooding, have high risk of erosion, or have existing topographical or geo-technical constraints) the following are recommended.

**Table 2. Additional factors that may necessitate an increase in the width of an Environmental Reserve or Environmental Reserve Easement.**

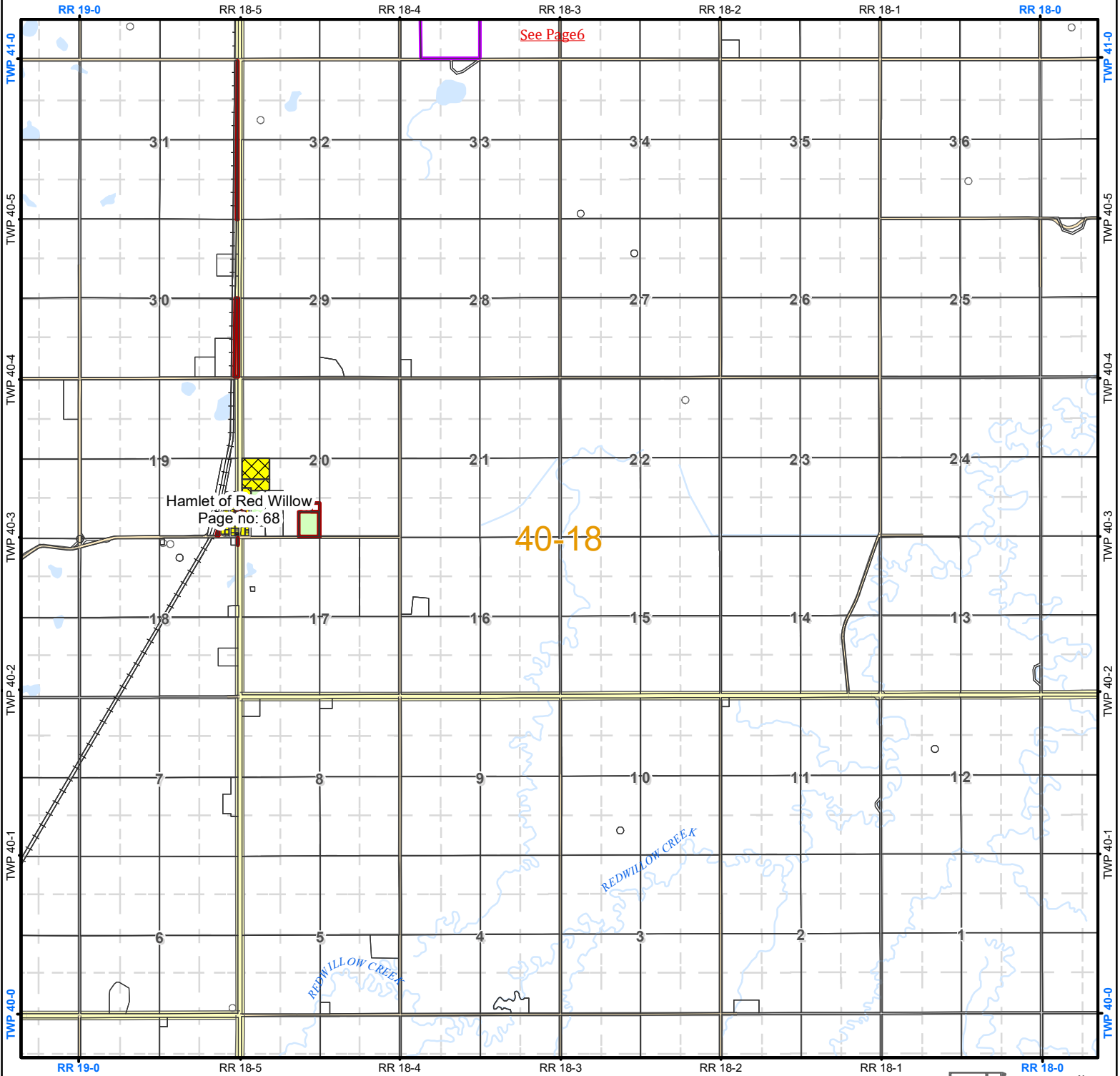
Hazardous Lands	ER Modifier	Notes
Floodplain	<ul style="list-style-type: none"> <li>The width of the 1:100 year flood line or 30m from the natural boundary of a watercourse or lake, whichever is less.</li> <li>The width of meander belt for watercourses that tend to meander or entire floodplain if it is highly constrained within a confined valley.</li> </ul>	<ul style="list-style-type: none"> <li>Residential development within a floodplain is discouraged.</li> <li>Development within flood fringe area should only be considered if flood proofing undertaken to reduce risk of flood damage. Flood risk mapping or delineation of the 1:100 year flood line generally defines the extent of expected flood occurrence (see Alberta Environment policy and guidelines).</li> <li>The width of a meander belt is determined by multiplying bankfull width by 20 for each reach, and is split equally on either side of creek along axis of meander belt.</li> </ul>
Erosion prone areas	Provide for a toe erosion allowance.	Consider highly erosive soils and annual recession rates.
Gully, ravine, coulee, or valley escarpments	Provide for a stable slope allowance. Apply construction and building setbacks from this line.	Boundary of stable slope allowance measured from top of crest of plateau (terrace), valley slope or tableland.
Steep Slopes ( $>15\%$ )	3X escarpment height or as recommended by a geotechnical report on slope stability, rate of erosion, etc.	

# LAND USE BYLAW



*Prepared by the County of Stettler No. 6 Council and Planning and Development Services  
Bylaw No. 1443-10 adopted March 9, 2011*

***Office Consolidation current as of March 13, 2024***



### Zoning Symbology

	A		CRA		HWY-MU
	AD		CRR		IND
	C		DCD		MHP
	CR		HC		PS
	CR-EQ		HR		RF
	CR-SL		HWY-C		RR
			RR-CS		

### Transportation

	Railway
	Highway
	Secondary Highway
	County Road
	Other

### Hydrography

	River
	Lake

### Township System

	Quarter Section
	LSD

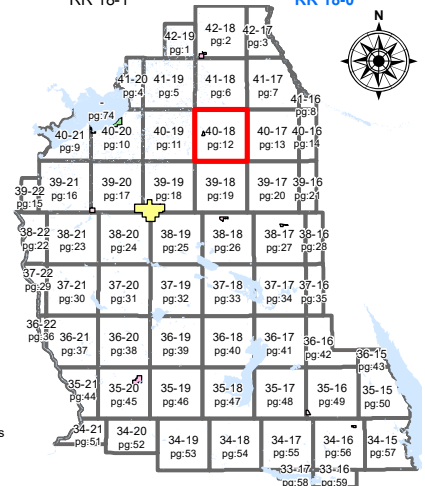
### Legend

	Crown		Town
	County of Stettler		Village
	Municipally Owned		Summer Village

1:55,000



www.stettlercounty.ca



boat lifts and docks, but excluding boats, boat houses, sheds or any other item or structure, in a specified location on Reserve Land in the Public Services District, where approved by a development permit consistent with this definition and issued to either a community association or an individual landowner, on Reserve Lands that have been designated by bylaw for this purpose pursuant to Section 676 of the Act. The development permit shall be issued subject to a license agreement being entered into and kept in good standing, such agreement having an initial term of no longer than three years. The agreement shall include indemnification to the County and written proof of comprehensive third-party liability insurance coverage. The development permit for this use shall terminate if the individual landowner ceases to own the land described in the license agreement or if the license agreement expires or is terminated. Such agreement may not be assigned.

**“Public or Private Road and Utility”** means a development used to provide one or more of the following for public or private consumption, benefit, convenience or use:

- (a) water; waste water or storm water;
- (b) a road, railway line, thoroughfare or bridge for the purpose of transportation, but excluding for storage purposes (e.g. railway yard or terminal facilities);
- (c) television reception through a satellite dish antenna or other means;
- (d) telephone;
- (e) drainage ditch;
- (f) natural gas;
- (g) electric power; or,
- (h) heat.

Public or Private Road and Utility includes electric power and heat utilities generated by wind, solar or other alternative technologies, as well as the buildings required to operate the Public or Private Road and Utility. A stand-alone solar panel means that it is not attached to the roof of a building. Public or Private Road and Utility does not include a Waste Management Facility.

**“Recreation Facility – Indoor”** means a primarily indoor recreation facility in which the patronizing public participates or views the participation of others in recreational, entertainment, amusement or sporting activity and, without limiting the generality of the foregoing, may include but not be limited to an amusement arcade, a billiard or pool hall, a bowling alley, a paintball facility, a racquet court, an indoor shooting range, a commercial stable or riding arena, a gymnasium, swimming pools, hockey and skating rinks, an arena, a tourist information centre, tennis courts or a multi-purpose facility.

**“Recreation Facility – Outdoor”** means a primarily outdoor recreation facility in which the patronizing public participates or views the participation of others in recreational, entertainment, amusement or sporting activity and, without limiting the generality of the foregoing, may include but not be limited to an amusement park, a go-cart track, a golf course, a ski resort, a riding stable, a water slide, tennis courts, an equestrian centre, a marina, a boat launch, a stadium, a public park, a playground, a sports field, a zoo, fair/exhibition/rodeo grounds, the use of trails (e.g. for walking, cross-country skiing, cycling, motorcycling, equestrian, all-terrain vehicles, snowmobiles, etc.), professional hunting and outfitting, or an outdoor shooting range. This definition specifically excludes campsites, cabins or lodges or any other similar uses. However it does include other ancillary buildings (e.g. rest rooms) specifically for the use of patrons who are actively or passively engaging in the recreational activity.

**"Recreational Vehicle"** means a portable structure designed and built to be carried on a vehicle or to be transported/motorized on its own wheels, and which is intended to provide temporary living accommodation for travel and recreational purposes and which does not need any special license or permit to travel on the public road systems other than a usual trailer or vehicle license and, without limiting the generality of the foregoing, includes such vehicles as a motorhome, a fifth-wheel, a camper, a travel

Bylaw.

- 22.2 In making a decision on a Development Permit application for a Discretionary Use, the Development Authority:
- (a) may approve the application if it meets the requirements of this Bylaw, with or without conditions, based on the merits of the application; or
  - (b) may refuse the application even though it meets the requirements of this Bylaw; or
  - (c) shall refuse the application if the proposed development does not conform to this Bylaw.
- 22.3 In reviewing a development permit application for a Discretionary Use, the Development Authority shall have regard to the circumstances and merits of the application, including but not limited to the following:
- (a) the impact on properties in the vicinity of such nuisance effects as smoke, airborne emissions, earthborne vibrations, odours and noise;
  - (b) the design, character and appearance of the proposed development and in particular whether it is compatible with the surrounding properties;
  - (c) any or all of the matters listed in Sections 24.1 and 24.2, but not necessarily limited to those considerations;
  - (d) the servicing and access requirements for the proposed development.
- 22.4 Subject to Section 23.2 the Development Authority shall refuse a development permit for a use or development that is not listed as a Permitted or Discretionary Use, or that is listed as a Prohibited Use, or require that the applicant apply to amend the Land Use Bylaw or rezone the property to an appropriate land use district.

**23. VARIANCE AUTHORITY**

- 23.1 Notwithstanding Sections 22.1(b) and 22.2(c) the Development Authority may decide on a development permit application even though the proposed development does not comply with this Bylaw or is a non-conforming building or use if, in the opinion of the Municipal Planning Commission:
- (a) the proposed development would not:
    - (i) unduly interfere with the amenities of the neighbourhood; or
    - (ii) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;
- and
- (b) the proposed development conforms to the use prescribed for the land in this Bylaw.
- 23.2 Notwithstanding Sections 22.4 and 23.1(b) the list of discretionary uses for any land use district shall be deemed to include any use that is, in the opinion of the Development Authority, consistent with the overall intent of the land use district and similar in nature and purpose to a listed permitted or discretionary use, and which conforms to the general purpose of the district.
- 23.3 Pursuant to Section 23.1 and subject to Sections 23.7 and 23.8 the Development Officer may allow a variance of any minimum or maximum development standard in this Bylaw of up to a maximum of 10% of the stated standard.
- 23.4 Pursuant to Section 23.1 and subject to Sections 23.7 and 23.8 the Municipal Planning Commission may:
- (a) allow a variance of any rear yard or side yard setback requirement in this Bylaw in order to correct an omission, error or other defect or to address site specific conditions, any of which, in the opinion of the Development Authority, cause unreasonable hardship and would not unduly interfere with the amenities of the

neighbourhood or materially interfere with or affect the use, enjoyment or value of adjacent parcels of land; and

- (b) allow a variance of any other minimum or maximum development standard in this Bylaw.

Also refer to Sections 13.6, 13.7, 23.7, 23.8 and 67.8.

- 23.5 Pursuant to Section 23.1 and subject to Section 23.8 and notwithstanding Section 43.12, the Municipal Planning Commission may allow a variance to locate an ancillary building in the front yard of a parcel.
- 23.6 Notwithstanding Section 23.4 and pursuant to Section 23.1 and subject to Sections 23.7 and 23.8 the Municipal Planning Commission may allow a variance of any minimum or maximum development standard in this Bylaw as may be necessary in its sole discretion to allow a legal non-conforming building or substandard parcel that existed on or was approved before the effective date of this Bylaw to be brought into conformance with the provisions of this Bylaw.
- 23.7 Notwithstanding the variance powers granted in Sections 23.3, 23.4 and 23.6, for the purpose of fire protection the Development Authority shall not approve a variance to the maximum building height for any building, except Agricultural Supply Depot, Farm Building and Public or Private Road and Utility, in any District that would result in the wall height at the eaves of a pitched roof or at the parapet of a flat roof exceeding 22 ft (6.7 m), unless the Regional Fire Chief recommends the variance.
- 23.8 In considering a variance, the Development Authority shall:
  - (a) not grant a variance if granting the variance results in a development that does not comply with the requirements of the Municipal Government Act and the Subdivision and Development Regulation;
  - (b) not grant a variance which would infringe on any airport vicinity regulations or on any railway right-of-way;
  - (c) grant a variance only in case of hardship or practical difficulty peculiar to the use, character or situation of the land or building and which is not generally common to other land in the district; and
  - (d) have regard to the purpose and intent of the district and the nature of developments on adjacent properties.
- 23.9 If a variance is granted, the Development Authority shall specify its nature in the development permit approval.
- 23.10 Any variance which the Development Authority approves is subject to the provisions of Section 33.
- 23.11 Notwithstanding anything in this Bylaw, the Development Authority may not allow a variance in regard to the use of land or a building.

## **24. DEVELOPMENT PERMIT CONDITIONS**

- 24.1 The Development Authority may impose conditions it considers appropriate to a development permit for either a permitted or a discretionary use, including but not limited to the following considerations:
  - (a) that the Applicant enter into an Agreement with the Municipality, pursuant to the Municipal Government Act, to do all or any of the following;
    - (i) to construct or pay for the construction or the upgrading of any road to give access to the development;

- (ii) to construct, install or pay for the installation of any local improvements or utilities which are needed to serve the development;
- (iii) to repair or reinstate, to original condition, any ditch, municipal landscaping or vegetation which may be damaged or destroyed or otherwise harmed by development or building operations upon the site;
- (iv) to give security to ensure that the terms of the Agreement under this Section are carried out or that the conditions of any development permit are complied with;
- (v) to pay to the Municipality the costs paid by the Municipality to any Engineer or other person for materials testing, inspections, monitoring of construction and review of construction drawings, and legal costs and expenses to which the Municipality is put in connection with the Development Agreement and the Agreement relates; and;
- (vi) to attend to all other matters the Development Authority considers appropriate;
- (b) landscaping;
- (c) the attenuation or timing of noise, odour, smoke, dust, steam, radio waves or other nuisances;
- (d) conformance to recommendations from any professional studies required as part of the permit application, relating to matters such as slope stability, traffic, etc.;
- (e) the compatibility of proposed traffic patterns and characteristics with those existing in the affected neighbourhood;
- (f) the removal or retention of natural vegetation;
- (g) environmental contamination;
- (h) public safety;
- (i) existing structures;
- (j) the timing of the completion of any part of the proposed development;
- (k) parking;
- (l) the size, location, orientation, appearance and character of a site, a building or other structure;
- (m) hours of operation;
- (n) the duration or expiry of a development permit;
- (o) site grading;
- (p) the subdivision or consolidation of parcels;
- (q) completion of detailed plans and construction drawings illustrating access, site layout, landscaping, parking, building elevations, signs, storm water management and/or utility servicing;
- (r) the posting of a security deposit to ensure that the development is completed in a timely fashion and in accordance with the approval;
- (s) to ensure that the design, character, and appearance of a building, including its height, are compatible with and complementary to the surrounding area;
- (t) dust control on County roads due to increased traffic as a result of the proposed development;
- (u) to ensure that a development does not encroach upon the boundary of a Municipal Reserve, an Environmental Reserve or an Environmental Reserve Easement;
- (v) to require that any person who applies to the provincial Safety Codes Council or other accredited agency for a Building Permit under the Safety Codes Act in respect of constructing a building on a property pursuant to a Development Permit previously issued by the County must demonstrate to the County that the Building Permit application submitted to and the Building Permit issued by the Safety Codes Council or other accredited agency are consistent with the Development Permit issued by the County. Refer to Section 47;
- (w) any provision, condition or requirement stated elsewhere in this Bylaw;
- (x) any other condition to ensure the proposed development is compatible with

- surrounding land uses; and
  - (y) any condition deemed necessary to ensure that the development complies with the Municipal Government Act, any regulation or standard stated in this Bylaw, and any applicable statutory plan.
- 24.2 Where this Bylaw requires a minimum standard, the Development Authority may impose a condition to a development permit requiring a higher standard where it is deemed by the Development Authority that adherence to the minimum standard may result in conditions that unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring properties or the general appearance of a development from a public road or highway.
- 24.3 Where an application for a development permit involves a consolidation of legal parcels, the Development Authority may withhold a permit until the consolidation of the parcels has been registered.
- 24.4 A development agreement signed pursuant to Section 24.1(a) may be registered in the Land Titles Office in the form of a Caveat against the Certificate of Title for the land that is the subject of the Development Agreement, and shall be discharged upon the completion of all the requirements, conditions and terms of the Agreement.

## **25. TEMPORARY DEVELOPMENT PERMITS**

- 25.1 When the Development Authority imposes a condition restricting the duration of a development permit pursuant to Section 24.1(n):
- (a) the Development Authority shall:
    - (i) specify the length of time that the development permit remains in effect;
    - (ii) require that the use be stopped and/or any improvements be removed once the development permit expires;
    - (iii) impose a condition that the County is not liable for any costs incurred in removing any improvements at the expiry of the development permit;
- and
- (b) the Development Authority may require that the applicant enter into an agreement with the County guaranteeing the removal of any improvements when the use is changed or discontinued. The agreement may require the applicant to post a security guaranteeing the removal of any improvements.
- 25.2 Upon expiry of a development permit issued on a temporary basis, a new application is required. Such application shall be considered as a first application and the Development Officer is not obliged to approve it on the basis that a previous development permit was issued.

## **26. NON-CONFORMING BUILDINGS AND USES**

- 26.1 Except as provided for in Section 23.6, a development which is deemed to be a non-conforming building or use shall be dealt with as provided for under the Municipal Government Act.

## **27. NOTIFICATION OF DECISION**

- 27.1 Where a decision has been made to approve a Development Permit application, the Development Authority:
- (a) within seven (7) days of a decision being made on any Development Permit shall

## 92 **AGRICULTURAL DISTRICT (A)**

### **PURPOSE**

- 92.1 To support and promote an evolving agricultural industry as a fundamentally important part of the County's identity and of its economy and to accommodate associated rural lifestyles and agriculture related businesses to supplement farm income.

### **LAND USES**

#### **92.2 Permitted Uses**

- Agricultural Operation
- Ancillary Building or Ancillary Use (Residential) – standard size, subject to Section 43.10
- Ancillary Building or Ancillary Use (Industrial or non-residential) – size shall be determined at the discretion of the Development Authority, subject to Sections 92.10 and 92.11
- Detached Dwelling
- Garden Suite
- Government Service
- Manufactured Home not older than ten years
- Public or Private Road and Utility, except windmill and stand-alone solar panel in or adjacent to a hamlet or multi-lot subdivision
- Recreational Vehicle or Recreational Vehicle – Park Model Recreational Unit, if the parcel of land has an area of at least 80 acre (32.38 hectare), and subject to Section 92.22
- Second Detached Dwelling or Manufactured Home (not older than ten years) if the parcel of land has an area of at least 80 acre (32.38 hectare)
- Secondary Suite inside a Detached Dwelling

#### **92.3 Discretionary Uses**

- Agricultural Supply Depot
- Ancillary Building or Ancillary Use (Residential) – oversized, subject to Section 43.10
- Assisted Living Facility
- Auction Mart - Livestock, subject to Section 92.13
- Bed and Breakfast Establishment
- Cemetery
- Clustered Farm Dwellings and Associated Uses
- Communication Antenna and Structure
- Community Facility
- Concert site, subject to Section 53
- Contractor's Business – Home Based or Not Home Based, subject to Section 92.12
- Crematorium
- Data Processing Centre
- Duplex
- Farm Stall
- Guest Ranch – ancillary accommodation is limited to a maximum of 20 units/stalls/sites or an area of maximum 5 acres, whichever is less
- Home Business
- Kennel, subject to Section 64
- Land Reclamation
- Manufactured Home older than ten years
- Oilfield Service or Supply Business - Minor
- Public or Private Road and Utility, windmill and stand-alone solar panel only in or adjacent to a hamlet or multi-lot subdivision

**92.3 Discretionary Uses**

- Recreation Facility – Indoor – ancillary accommodation is limited to a maximum of 20 units/stalls/sites or an area of maximum 5 acres, whichever is less
- Recreation Facility – Outdoor – ancillary accommodation is limited to a maximum of 20 units/stalls/sites or an area of maximum 5 acres, whichever is less
- Recreational Vehicle or Recreational Vehicle – Park Model Recreational Unit, if the parcel of land has an area of less than 80 acre (32.38 hectare), and subject to Section 92.22
- Recreational Vehicle Park and/or Campground – limited to a maximum of 20 units/stalls/sites or an area of maximum 5 acres, whichever is less, and subject to Section 92.16
- Rural Convenience Store
- Rural Restaurant
- Sand, Gravel and Surface Mineral Extraction for a period of five (5) years or less and has a disturbance area that is less than five (5) hectares
- Sand, Gravel and Surface Mineral Processing for a period of five (5) years or less and has a disturbance area that is less than five (5) hectares
- Second Detached Dwelling or Manufactured Home if the parcel of land has an area of less than 80 acre (32.38 hectare)
- Secondary Suite inside a detached Ancillary Building
- Security/Operator Dwelling Unit, for agricultural purposes only
- Third or Additional Detached Dwelling or Manufactured Home, subject to Section 69.2(c)
- Value-added Agricultural Industry
- Veterinary clinic
- Warehousing and Storage – limited to the storage of a maximum of 20 Recreational Vehicles and 20 self-storage units
- Waste Management Facility
- Work Camp

**SITE REGULATIONS**

92.4 In addition to the General Land Use Regulations contained in Part Six of this Bylaw, the following regulations apply to every development in this District:

<b>Lot Area</b>	3.0 acre (1.21 ha)
<b>Lot Width</b>	100 m (328 ft)
<b>Lot Depth</b>	120 m (394 ft)
<b>Front Yard</b>	<ul style="list-style-type: none"> <li>• County road inside a hamlet or multi-lot subdivision boundary – all buildings 25 ft (7.62 m)</li> <li>• County road outside of a hamlet or multi-lot subdivision boundary – see Section 58.25</li> <li>• Highways and Secondary Roads – see Section 58.25</li> </ul>
<b>Rear Yard</b>	<ul style="list-style-type: none"> <li>• Road frontage: see Front Yard</li> </ul>
<b>Side Yard</b>	<ul style="list-style-type: none"> <li>• Internal lot:                             <ul style="list-style-type: none"> <li>- All buildings except Ancillary Building and Farm Building: 25 feet (7.62 meters)</li> <li>- Ancillary Building and Farm Building: see Section 43</li> </ul> </li> </ul>
If a greater yard setback distance is required by the Alberta Building Code, that Code's requirements shall be the minimum yard distance.	
<b>Building Height (maximum)</b>	<ul style="list-style-type: none"> <li>• Farm Building and Agricultural Supply Depot: 82 ft (25 m)</li> <li>• Subject to Section 23.7:                             <ul style="list-style-type: none"> <li>- All other buildings, except Ancillary Building: 32.8 ft (10 m)</li> <li>- Ancillary Building: refer to Section 43.9 and further</li> <li>- All buildings, except Farm Building:                                     <ol style="list-style-type: none"> <li>a. pitched roof – 22 ft (6.7 m) wall height at eaves</li> <li>b. flat roof – 22 ft (6.7 m) wall height at parapet</li> </ol> </li> </ul> </li> </ul>

<b>Floor Area</b>	N/A
<b>Site Coverage (maximum)</b>	N/A
<b>Floor Area Ratio (maximum)</b>	N/A

92.5 Development standards for uses not specified in Section 92.4 shall be determined by the Development Authority.

92.6 Any site development standard or additional regulation may be increased by the Development Authority as a condition of development permit approval, pursuant to Section 24.2.

### **ADDITIONAL REGULATIONS**

#### Statutory Plans Take Precedence

92.7 The permitted and discretionary uses and the standards and regulations of this District are subject to the relevant provisions of the Municipal Development Plan and any applicable inter-municipal development plan or area structure plan.

#### Awareness of Agriculture

92.8 Landowners and residents within this District must be aware that agricultural operations take precedence in this District. Therefore they should plan and develop their properties in such a manner and at their own cost that agricultural nuisances are reduced.

#### Subdivision Density for Private Titles

92.9 In this District the maximum density is three private titles per quarter section; with the provision that the Subdivision Authority may approve additional private titles as provided for in the Municipal Development Plan.

#### Ancillary Building (Industrial or Non-residential)

92.10 The ground floor area of an Ancillary Building that is associated with an industrial or other non-residential use is subject to Section 43.11.

92.11 The Development Officer shall not issue a Development Permit for an Ancillary Building (Industrial or Non-residential) unless the Applicant holds a Development Permit for any one of the following discretionary uses:

- a) Agricultural Supply Depot;
- b) Auction Mart – Livestock;
- c) Contractor’s Business – Home Based or Not Home Based;
- d) Oilfield Service or Supply Business – Minor;
- e) Sand, Gravel and Surface Mineral Extraction;
- f) Sand, Gravel and Surface Mineral Processing; or
- g) Value-added Agricultural Industry

and the Development Officer may refer any application under this section to the Municipal Planning Commission pursuant to Section 11.3(b).

#### Contractor’s Business – Home Based or Not Home Based

- 92.12 The approval of a development permit for a Contractor's Business – Home Based or Not Home Based is subject to compliance with the conditions listed in Section 55

Auction Mart - Livestock

- 92.13 Auction Mart - Livestock shall not be permitted within 1,500 feet (457.2 meter) of a residence unless the residence is associated with the operation.

Confined Feeding Operations

- 92.14 The County supports the location of Confined Feeding Operations in this District that comply with the relevant policies identified in the Municipal Development Plan, specifically relevant to CFO Exclusion Zones identified in inter-municipal development plans and around approved area structure plans, concept plans and outline plans.

- 92.15 In approving rezoning and/or subdivision applications for single parcel residential acreages and multi-lot residential subdivisions in locations that could be incompatible with an existing CFO in this District, the County will recommend that the applicants familiarize themselves with existing CFO locations and the applicable minimum separation distances and consider the potential impact on their proposed subdivision however, the County will not require reciprocal setback distances. Further, the County will require that an area structure plan or outline plan for multi-lot residential development must incorporate the buffering techniques for non-agricultural development in the agricultural fringe as referenced in the relevant section of the Land Use Bylaw.

Campground and Recreational Vehicle Park

- 92.16 The design of any Campground or Recreational Vehicle Park is subject to the provisions of Section 77.

**MINIMUM SERVICING REQUIREMENTS**

- 92.17 The minimum servicing requirements of this District are subject to the relevant provisions of the Municipal Development Plan and any applicable inter-municipal development plan or area structure plan.

- 92.18 Where a municipal water supply and/or sewage disposal system is available to service a property located within a hamlet or multi-lot subdivision in this District, new private utilities shall not be allowed.

- 92.19 Where a municipal sewage disposal system is not available, it is the landowner or applicant's responsibility to comply with the Private Sewage Disposal Systems Regulation (Alberta Regulations 229/1997) and the Alberta Private Sewage Systems Standard of Practice under the Safety Codes Act relative to the servicing of any development in this District by means of a private sewage disposal system.

- 92.20 The applicant for a subdivision in this District shall comply with the Water Act [Section 23(3) and related Water (Ministerial) Regulation (Section 9(1))] relative to the servicing of lots in the proposed subdivision by means of any private water source, namely to submit a professional groundwater or surface water assessment report as part of the application for subdivision [WA (Sec 23(3)(a))]. Where the Subdivision Authority has determined through the assessment report that the water source may be insufficient to support additional water use from the source, it may prohibit the servicing of the proposed subdivision by means of that water source. The professional assessment for any groundwater source shall follow Alberta Environment's Groundwater Evaluation Guideline available at the following website: <http://environment.alberta.ca/01326.html>.

- 92.21 Where a hamlet or multi-lot subdivision of six or more lots per quarter section existed prior to January 1, 1999 without a groundwater or surface water assessment, the applicant for a development permit in this District shall demonstrate to the Development Authority's satisfaction the sufficiency of a private water supply source for the proposed development. Where the Development Authority has determined through a professional groundwater or surface water assessment report that the water source may be insufficient to support additional water use from the source, it may prohibit the servicing of the proposed development by means of that water source. The professional assessment for any groundwater source shall follow Alberta Environment's Groundwater Evaluation Guideline available at the following website: <http://environment.alberta.ca/01326.html>.
- 92.22 A development permit for a Recreational Vehicle or a Recreational Vehicle – Park Model Recreational Unit may be issued subject to Section 69 and shall include a condition that the dwelling unit is connected to a certified public or private sewage disposal system while being placed on a site; and further, the use of a Recreational Vehicle as a dwelling unit shall comply with the regulations in Section 0.
- 92.23 For any development in this District, except those developments that are deemed approved pursuant to Section 16, storm water management facilities may be required to the satisfaction of the Development Authority.

#### **COMPLIANCE WITH RELEVANT LEGISLATION**

- 92.24 It is the landowner or applicant's responsibility to comply with relevant federal and provincial legislation such as the Safety Codes Act and/or the Public Highways Development Act.