

NORTH 41 GATEWAY Area Structure Plan



BYLAW 10-11 OF THE COUNTY OF VERMILION RIVER

Being a Bylaw to Adopt the North 41 Gateway Area Structure Plan

WHEREAS The Council of the County of Vermilion River considers it necessary to adopt, in accordance with Sections 633 and 636 of the Municipal Government Act, the North 41 Gateway Area Structure Plan, being Bylaw No. 10-11, to specify policy and regulatory direction for the lands at the northern entrance or “gateway” to the Town of Vermilion along Highway 41;

AND WHEREAS The Council of the County of Vermilion River deems it advisable to adopt the North 41 Gateway Area Structure Plan, being Bylaw No. 10-11, to refine and further specify the general policy direction applicable to this area in the Vermilion Intermunicipal Development Plan, being Bylaw No. 09-40, and amendments thereto, as well as the County of Vermilion River Municipal Development Plan, being Bylaw No. 07-14, and amendments thereto;

AND WHEREAS The Council of the County of Vermilion River deems it advisable to adopt the North 41 Gateway Area Structure Plan, being Bylaw No. 10-11, so that it clearly and effectively serves as a basis for required amendments to the County of Vermilion River Land Use Bylaw, being Bylaw No. 07-13, and amendments thereto, including the insertion for subsequent application of a specifically tailored direct control land use district, being the NGDC – North Gateway Direct Control District, tied directly to the provisions of the North 41 Gateway Area Structure Plan.

NOW THEREFORE Under the authority of the Municipal Government Act, the Council of County of Vermilion River, in the Province of Alberta, duly assembled enacts as follows:

1. That Bylaw No. 10-11, being the North 41 Gateway Area Structure Plan, be adopted.
2. Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall be maintained.
3. That this Bylaw becomes effective upon the date of the final passing thereof.

Read a first time this _____ day of _____, 2010

Public Hearing Held on the _____ day of _____, 2010 held at

Read a second time this _____ day of _____, 2010

Read a third time and finally passed, this _____ day of _____, 2010

Reeve

County Administrator

Endorsed this _____ day of _____, 2010 by Alberta Transportation for the purposes of the Municipal Government Act Subdivision and Development Regulation, and amendments thereto

Alberta Transportation

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1. INTRODUCTION AND PLANNING PROCESS

The North 41 Gateway Area Structure Plan, hereinafter referred to as the North 41 Gateway ASP, is a statutory planning document intended to underpin the implementation of the recently revised Vermilion Intermunicipal Development Plan (IDP). It applies to five quarter sections of land located immediately north of the Town of Vermilion spanning both sides of Highway 41 – see Plan Boundary below. It is the direct result of a collaborative decision-making framework established in the IDP combined with on-going commitment to intermunicipal planning cooperation and coordination on the part of both municipalities.

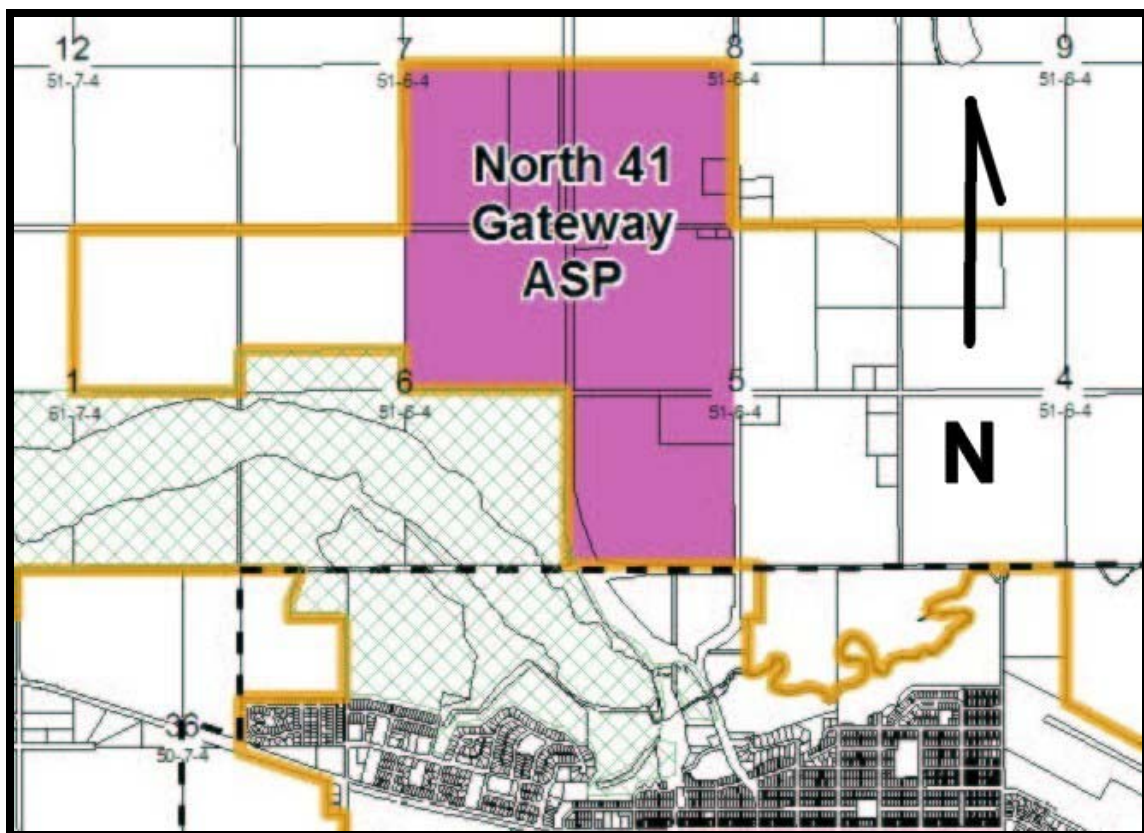


Figure 1 – North 41 Gateway ASP Plan Boundary

The planning process utilized in preparing the North 41 Gateway ASP began with a terms of reference that was, to a large extent, spelled out in the Vermilion IDP itself and then further refined by the Intermunicipal Liaison Committee (ILC), who served as the Steering Committee for this project. Before developing a Draft Plan or even a Preliminary Draft Plan, the ILC's first task was overseeing the preparation and circulation

of the foundation concepts and policy direction, which included a Proposed Road Layout and Generalized Future Land Use Concept. This was presented in the form of a Preliminary Discussion Document to ensure the ASP's fundamentals were acceptable, consistent with the broad policy framework and agreements struck in the IDP and accurately incorporate all major, requisite planning elements. The ILC felt it was important to see if they had the fundamentals nailed down before going any further in the planning process.

The Preliminary Discussion Document was approved for release by the ILC in March, 2010 and it was then circulated to and reviewed by the affected landowners/stakeholders. Feedback was summarized and presented to the ILC, in-camera, once this first phase of consultation was completed. Based on the direction received from the ILC at that point, a Preliminary Draft North 41 Gateway ASP was then prepared in May, 2010. Any required amendments to the IDP as well as the County's Municipal Development Plan (MDP) and Land Use Bylaw (LUB) were also considered at this point.

In very early May of 2010, the Preliminary Draft North 41 Gateway ASP was reviewed by the ILC. Based on the ILC's review, a Proposed Draft North 41 Gateway ASP was then referred to County Council for first reading on May 25th, 2010. The Draft North 41 Gateway ASP was then readied to be referred to affected landowners/stakeholders within the Plan area. On June 14th, an open house was held followed by a public hearing. All comments and suggested revisions were reviewed and considered. Final revisions were made and incorporated into the adopted document. The County of Vermilion River adopted the North 41 Gateway ASP as Bylaw No. 10-11 on June 22nd, 2010.

2. NORTH 41 GATEWAY ASP FRAMEWORK AND TERMS OF REFERENCE

The IDP between the County and Town addresses many intermunicipal issues of great importance to both municipalities. In terms of process, the Vermilion IDP was the successful end result of a joint commitment to not only understand the needs of each municipal partner and to work cooperatively to forge an enduring IDP, but to establish an on-going intermunicipal decision-making framework that will underpin the implementation of the IDP's goals, policies and agreements for the lifespan of the IDP.

One of the key implementation components of the IDP was the commitment to engage in more detailed advance planning for the areas identified on Map 9 entitled "Proposed Area Structure Plans" which is shown on Page 3.

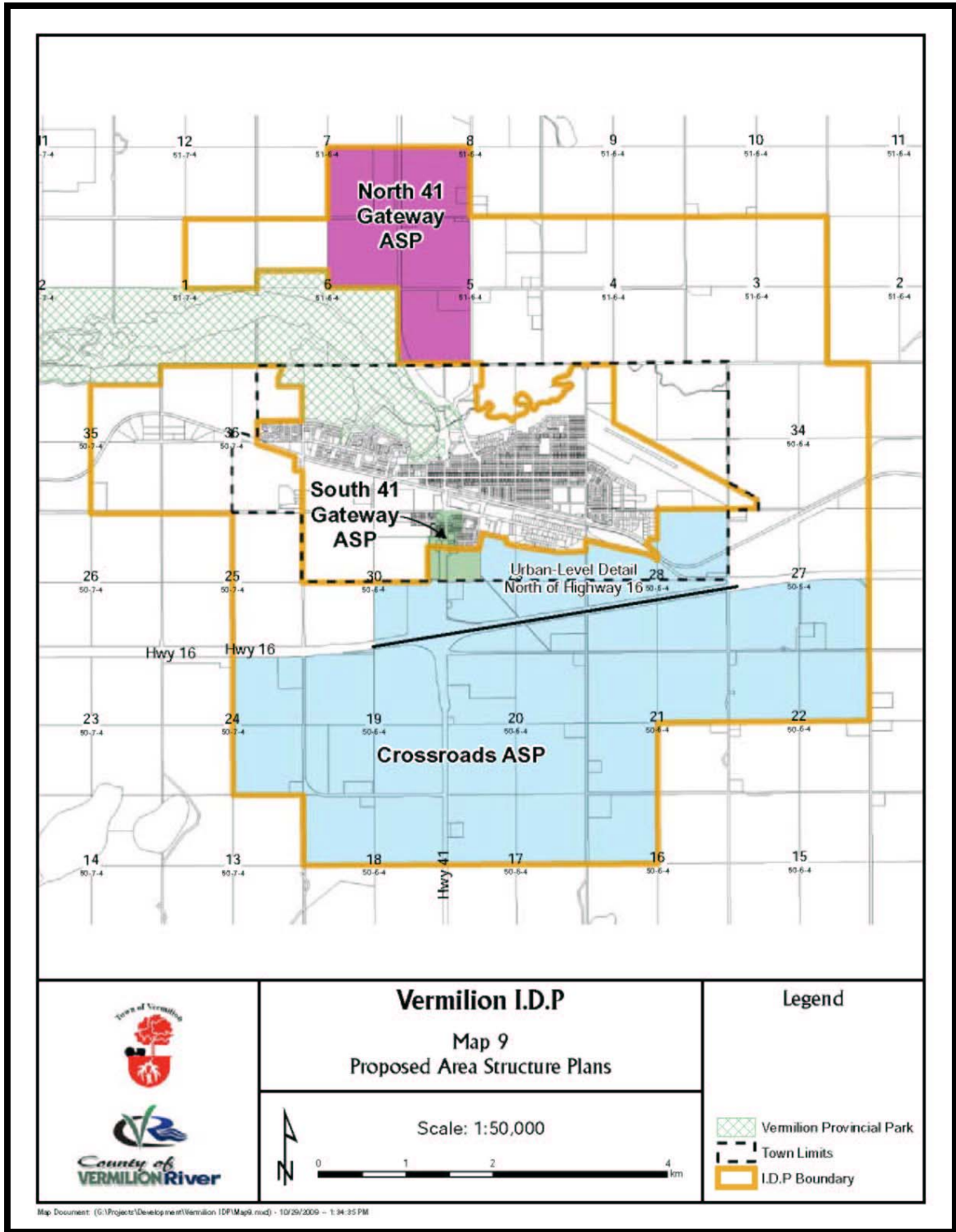


Figure 2 – Vermilion IDP Map 9

Thus, the IDP set the stage for the North 41 Gateway ASP as can be seen in the IDP policy quoted below:

“4.2a) The Town and County, working closely with landowners and Alberta Transportation, agree to undertake the Crossroads ASP and the North 41 Gateway ASP to ensure development readiness, certainty of land use and consistency in development standards.”

At the outset, it is important to recognize that although these two implementation ASP’s, including the North 41 Gateway ASP, are intended to provide more detailed planning for the areas identified, they must also build upon and be consistent with the direction, albeit general, that is already established for these areas in the IDP. The Municipal Government Act (MGA) in fact requires this under Section 638 which states that all statutory plans must be consistent with one another. Having said this, it is worthwhile briefly reviewing the general direction provided in the IDP.

As can be seen in the portion of IDP Map 8 immediately below, the IDP has specified land use in broad terms for the lands within the North 41 Gateway ASP.

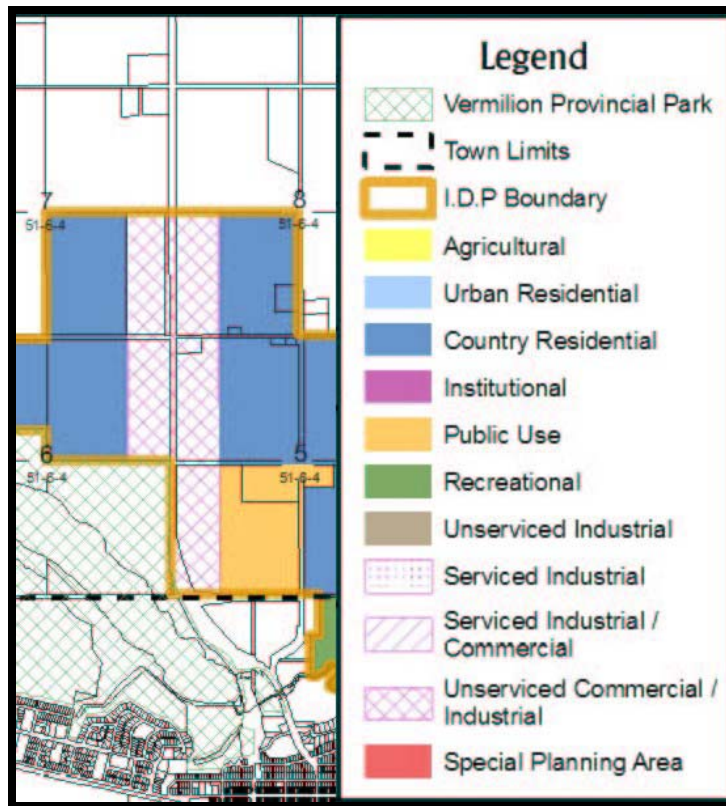


Figure 3 – Vermilion IDP Map 8 - re: North 41 Gateway ASP Area

Three IDP designations are found in the North 41 Gateway ASP. The Unserviced Commercial/Industrial designation is located along the east and west frontages of Highway 41, the Country Residential designation is applied to the remaining portions of four of the five quarter sections within the Plan area (ie: SE 7, SW 8, NE 6 and NW 5-51-6-W4M) with the Public Use designation applied to the remaining portion of the SW of 5-51-6-W4M. The Public Use designation includes the current waste transfer site and the former landfill.

It is also important in building the North 41 Gateway ASP to ensure that the framework spelled out in the IDP for the preparation of the North 41 Gateway ASP is followed. The Terms of Reference for the preparation of the North 41 Gateway ASP are outlined in Policy 4.4.3 of the IDP as follows:

“4.4.3 North 41 Gateway ASP Terms of Reference

The North 41 Gateway ASP is intended to organize and facilitate country residential and unserviced commercial/industrial development on the lands immediately adjacent to Highway 41 north of the Town’s boundary. The most important element of the North 41 Gateway ASP will be to work with Alberta Transportation to determine appropriate and mutually acceptable access management for this strategic stretch of Highway 41. The waste sites within the ASP boundary will also need to be accommodated. The North 41 Gateway ASP may identify more specific land use designations and will need to provide more specific policy than is provided in the IDP.

- a) In addition to foregoing, the following elements need to be addressed in the preparation of the North 41 Gateway ASP:
- phasing;
 - existing policy and land use districts;
 - major access points, especially in relation to Highway 41;
 - the general location and standard of internal transportation routes;
 - signage;
 - recommended districting to include in the County’s Land Use Bylaw;
 - other requirements as per the Municipal Government Act; and,
 - other matters the County deems necessary.”

Planning for efficient transportation infrastructure well into the future is a critical component of the IDP. Thus, it is particularly important that this ASP is coordinated with the access management requirements of Alberta Transportation in relation Highway 41.

With the foregoing IDP context and framework in mind, the purpose, scope and application of the North 41 Gateway ASP are briefly discussed in Section 3.

3. NORTH 41 GATEWAY ASP PURPOSE, SCOPE AND APPLICATION

It is worth reiterating at the outset that while the North 41 Gateway ASP builds upon the IDP, it is also to be used in tandem with the IDP as well as the County's MDP and LUB. These other planning documents, therefore, also need to be referenced as they apply to the lands inside the North 41 Gateway ASP.

The North 41 Gateway ASP sets out land use concepts/policies and a decision-making framework for approximately 325 hectares (~800 acres) of unserviced land at the northern entrance to the Town of Vermilion spanning Highway 41. It also addresses access management in relation to the local road intersections for this important stretch of Highway 41.

For local residents, the North 41 Gateway ASP gives a sense of direction, one upon which they can rely while making decisions regarding their own actions and property. For developers and business groups, it is a guide to the type and location of development that will generally be considered acceptable. For investors, it shows development readiness and the resulting speed of processing, clarity of vision, and certainty of approval if there is compliance with the provisions of the North 41 Gateway ASP.

Finally, for outside decision-makers such as senior governments and funding agencies, the North 41 Gateway ASP clearly indicates a commitment to long term intermunicipal planning. It also shows outside approving authorities that where the municipalities have jurisdiction, they will adhere to sound planning principles, and where they do not have jurisdiction, they are keen to work cooperatively with their partners to serve mutual and interdependent interests.

a) Vision

Over the life-span of this ASP, a period of 25 – 40 years, the vision is to create a realistic supply of unserviced, large-lot commercial/industrial land along Highway 41 at the northern entrance to the Town of Vermilion as well as to the west and north of the existing waste transfer station and the old landfill. The remainder of the ASP area provides for unserviced, large-lot country residential lots. Lots adjacent to Highway 41 will be expected to adhere to a reasonable standard of development and landscaping to maintain a positive visual image at the Town's northern gateway. Vermilion Provincial Park borders southwestern edge of the Plan area.

b) Municipal Policy/Regulatory Context

By way of accompanying amendments, the vision and future land uses in the North 41 Gateway ASP are consistent with the (IDP) as well as the County of Vermilion

River Municipal Development Plan (MDP). This ASP also includes a specifically tailored direct control land use district to be simultaneously inserted in the County's Land Use Bylaw (LUB) which will apply to all of the land within the Plan boundary other than the waste transfer site and the old landfill.

c) Provincial Policy/Regulatory Context

It is important that the lands within this Plan area are carefully planned vis a vis Highway 41 and that the Plan is adopted by Alberta Transportation pursuant to Section 14 of the Municipal Government Act Subdivision and Development Regulation. Having access to Highway 41 in this specific area well managed and planned out will contribute significantly to the Vermilion region showing it is serious about and ready for investment.

4. PLAN AREA CHARACTERISTICS

a) Location and Description

As briefly described earlier, the North 41 Gateway ASP comprises five quarter sections at the northern entrance to the Town of Vermilion spanning both the east and west sides of Highway 41. Three local roads intersect with Highway 41 inside the Plan area. These are, moving from south to north: Township Road 510, Township Road 510A and Township Road 511. Township Roads 510 and 510A form "T" intersections with Highway 41 while an all-turns intersection with Highway 41 is located at Township Road 511.

The existing waste transfer site and the former landfill are located along the eastern edge of the most southeasterly quarter section (SW-5-51-6-W4) within the Plan area. Though residential and institutional uses need to be setback 300 m (985 ft) from these facilities in accordance with various Provincial statutes and regulations, the lands within this setback area, however, can be used for appropriate commercial and industrial purposes. The 300 m (985 ft) setback for residential/institutional uses is indicated in Figure 4 on Page 8.

Within the 320 ha. (800 acre) Plan area, there are ten dwellings, seven of which being located on subdivided parcels, the other three being on the remnants of the original quarter sections. Thus, the Plan area is fairly sparsely populated at present and is also relatively unsubdivided. Agriculture is the predominant land use within the Plan area with most of land in forage production.

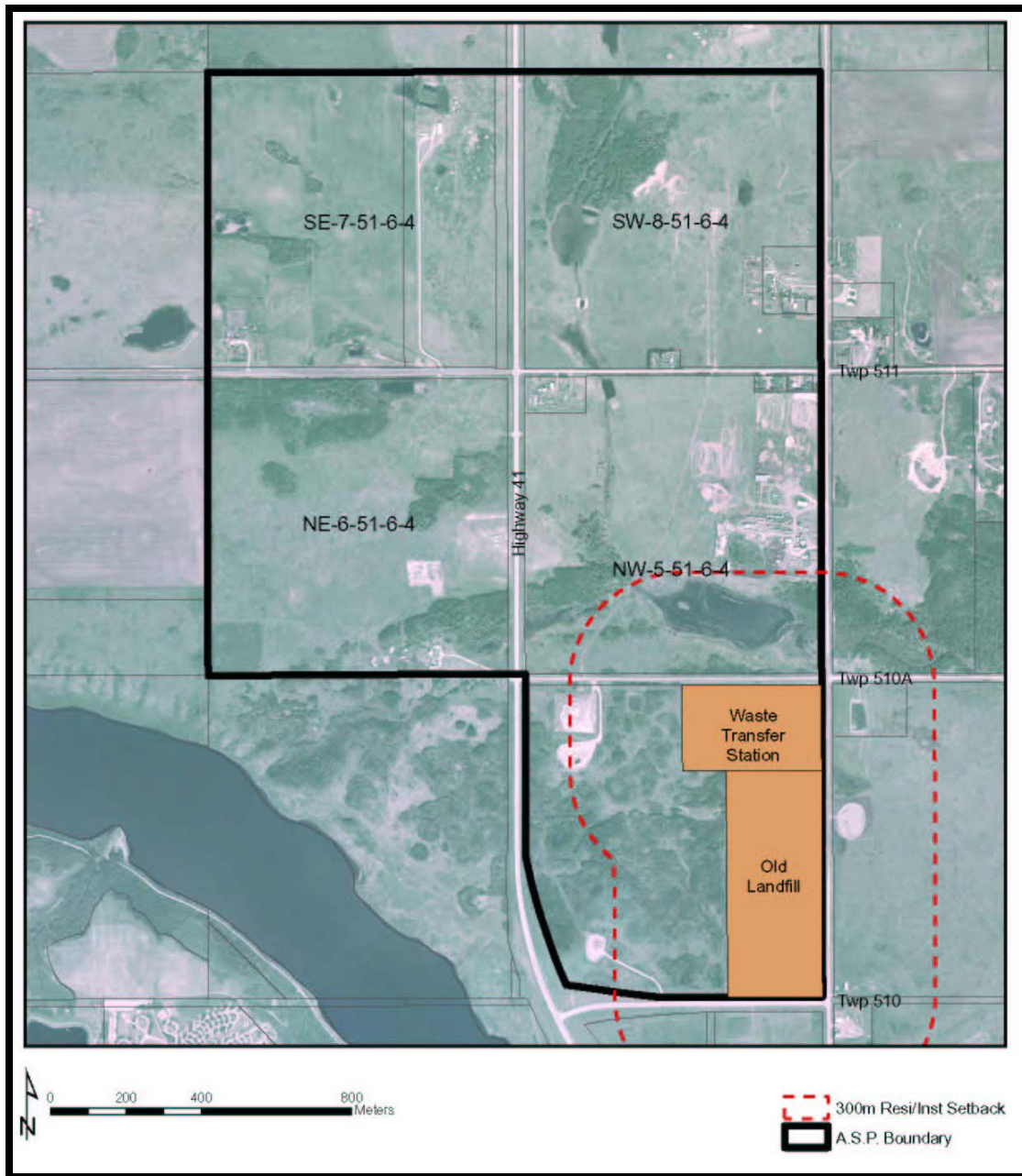


Figure 4 – Aerial Base Showing 300 m Resi./Inst. Setback

Generally speaking, the Plan area slopes/drains naturally toward Highway 41 and gradually southward toward the Vermilion River valley located to the southwest. A natural drainage course is located a few hundred metres east of and parallel to Highway 41 flowing southward. The NW-5-51-6-W4 contains a slough (see Figures 5 and 6 on Page 9). There are no other significant natural features/constraints.

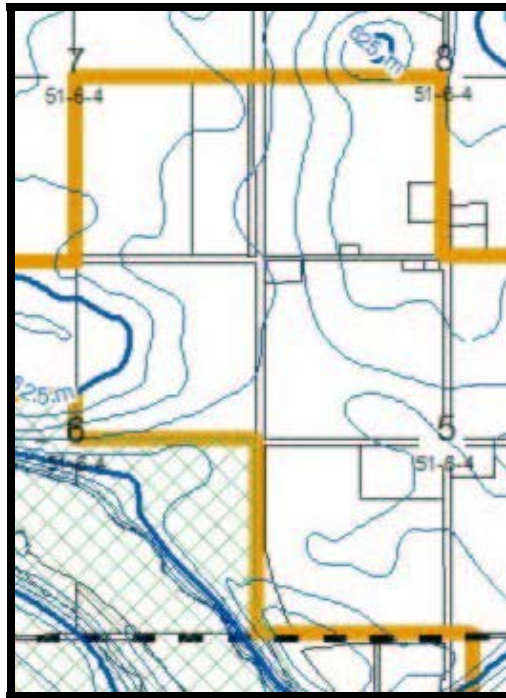


Figure 5 – Contours – North 41 Gateway ASP Area

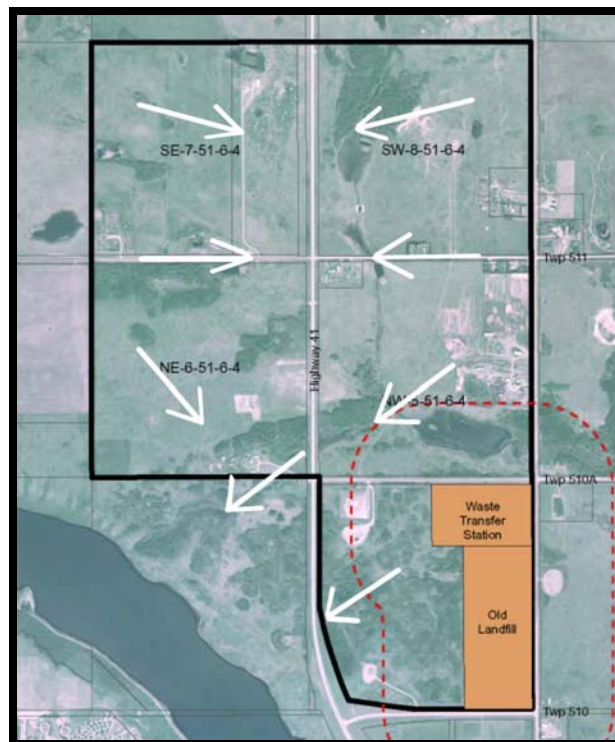


Figure 6 – General Direction of Drainage

Currently, there are five oil/gas wells within the Plan area along with several pipelines. Figure 7 below illustrates these facilities.



Figure 7 – Site Features – North 41 Gateway ASP

b) Land Ownership

All land within the Plan area is privately owned with exception of SW 5-51-6-W4, where the waste transfer site and former landfill are located, which is owned by the Town of Vermilion. As mentioned earlier, the area is relatively unsubdivided and, therefore, there are comparatively few landowners.

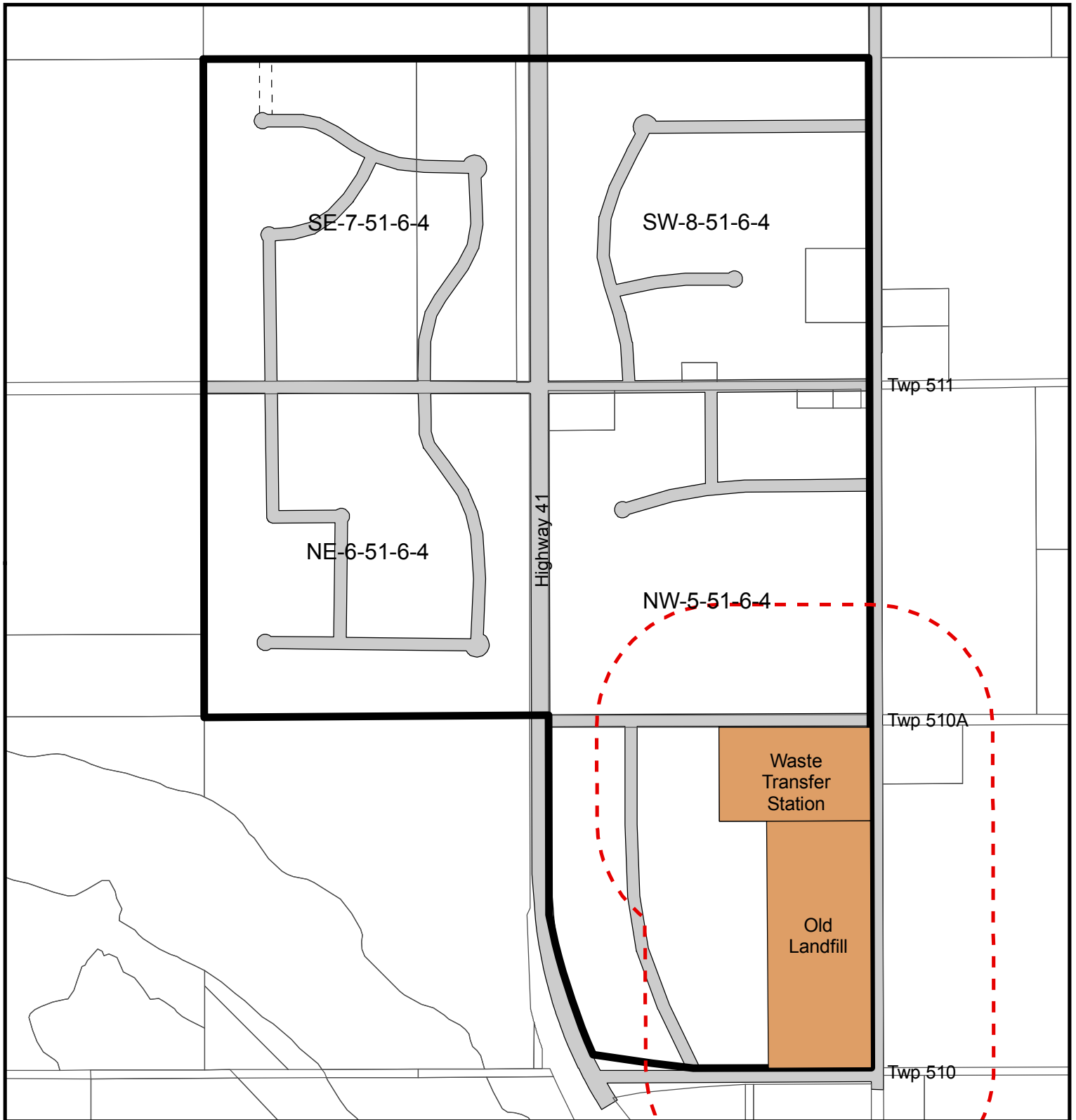
In light of the foregoing, the provisions that follow in Section 5. form the basis of land use, subdivision and development planning for the North 41 Gateway ASP. They build upon and refine the general direction and land use designations provided for these lands within the IDP, serve as the basis for a new land use district for inclusion in the County's LUB and establish a sound framework for future decisions on land use, subdivision and development permit applications.




5. NORTH 41 GATEWAY ASP CONCEPTS

Figure 8, Generalized Road Layout, and Figure 9, Generalized Future Land Use, both of which follow this Page, are based on and incorporate the following factors/elements:

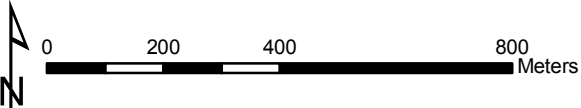
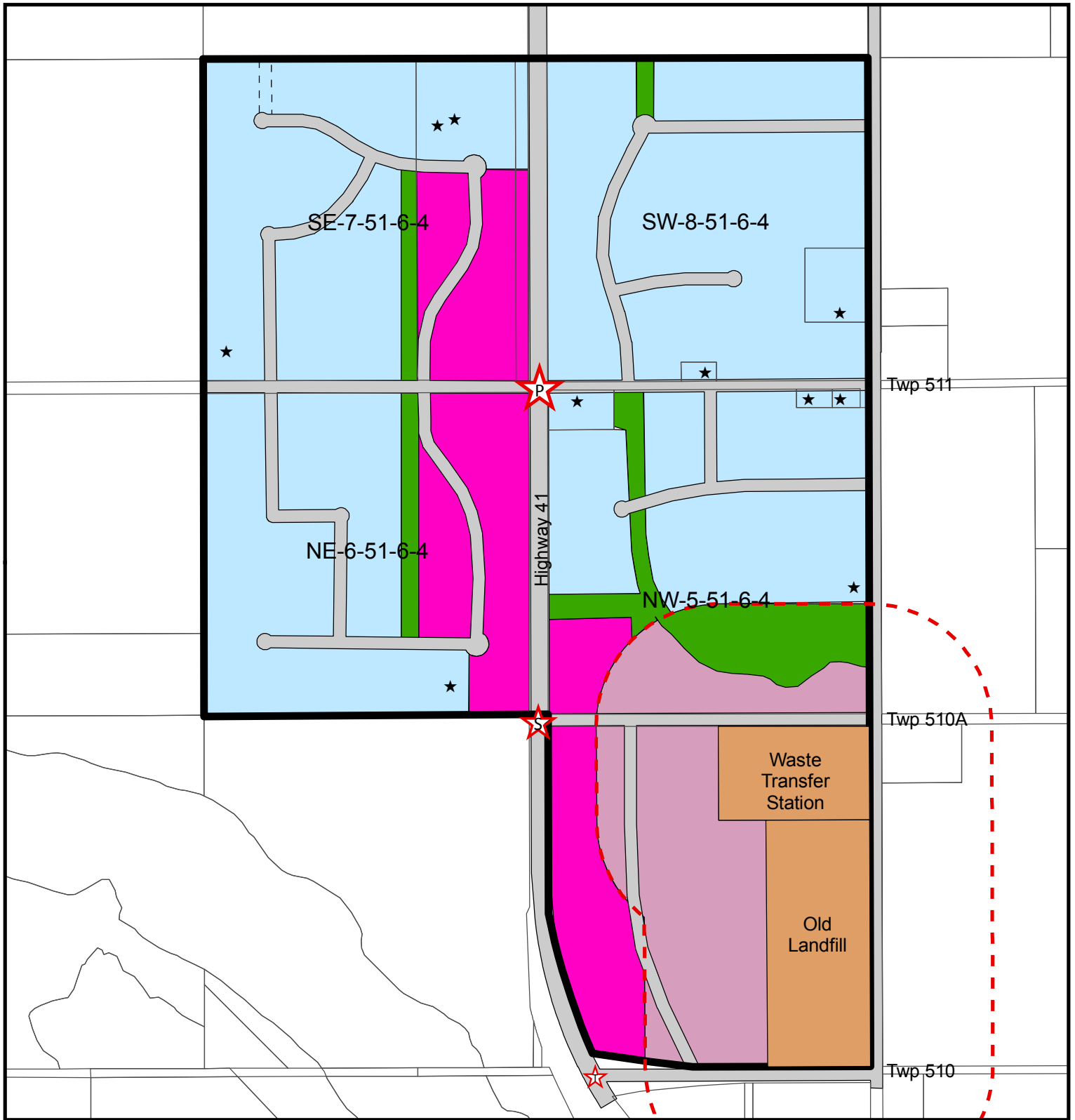
- Existing Township Road intersections are and will be the only intersections for this stretch of Highway 41. This ASP proposes no additional, direct access to Highway 41. The intersection of Township Road 511 and Highway 41 is considered to be the Primary intersection, Township Road 510A and Highway 41 is considered to be the Secondary intersection and the Tertiary (third order) intersection is considered to be Highway and Township Road 510.
- An efficient, cost-effective local (internal subdivision) road network is provided. In addition, local road intersections with the Township Roads are set back a safe distance from Highway 41 to provide ample vehicle stacking/queuing space.
- Approximately 1.5 kms of Unserviced Commercial/Industrial frontage is provided on the south bound (west) side of Highway 41 with approx. 1.0 km of Unserviced Commercial/Industrial frontage provided on the north bound (east) side of Highway 41. It is anticipated that there will be less need/demand for this type of land northbound as compared to the need/demand southbound.
- The 300 m development setback from the current waste transfer site and former landfill in relation to residential and institutional uses/developments is indicated. Within this setback area, an area of Unserviced Commercial/Industrial - Surface Storage Use Only is provided.
- Several areas of significant Drainage Protection are provided on the east side, within SW 8 and NW 5-51-6-W4, and an area of Green Space Buffer is provided on the west between the Unserviced Commercial/Industrial and Country Residential designations.
- Approximately 185 ha. (~460 acres) of land is designated for unserviced Country Residential subdivision.




North 41 Gateway Area Structure Plan Generalized Road Layout






-  Road Right of Way
-  300m Resi/Inst Setback
-  A.S.P. Boundary

North 41 Gateway Area Structure Plan Generalized Future Land Use



-  300m Resi/Inst Setback
-  A.S.P. Boundary
-  Residence

-  Drainage Protection / Green Space Buffer
-  Unserved Commercial / Industrial
-  Unservice Commercial / Industrial - Surface Storage Use Only
-  Country Residential

-  Primary Intersection Hwy 41 & Twp Rd 511
-  Secondary Intersection Hwy 41 & Twp Rd 510A
-  Tertiary Intersection Hwy 41 & Twp Rd 510

It is important to understand how Figure 8, Generalized Road Layout, and Figure 9, Generalized Future Land Use, are to be used. In implementing the North 41 Gateway ASP, what practical effect do they have? When considering land use, subdivision and development applications subject to it, how theoretical are the Generalized Road Layout and Generalized Future Land Use?

The answer to these questions is best put as follows: as a generalized road layout and as generalized future land use, they are fairly definitive. To elaborate, examine SE 7-51-6-W4, as an example. From the Generalized Road Layout, we will know that there will be no direct access to Highway 41. Instead, the area will be accessed via a rear service road. The intersection of that rear service road with Township Road 511 will be setback a sufficient distance (at least 300 m – 985 ft) to provide for adequate vehicle stacking/queuing space in relation to Highway 41. This is especially important for large trucks and other heavy vehicles approaching the Plan area's primary intersection: Highway 41 and Township Road 511. The remainder of the internal road layout is to provide for cost-efficient road construction to service future subdivision. This is important initially for the owner/developer who is responsible for building the road and, ultimately, for the County who becomes responsible for maintenance once the road is accepted as part of the County's local road network. In this sense, then, the Generalized Road Layout is definitive.

As far as Generalized Future Land Use is concerned, we know that for SE 7-51-6-W4, again as an example, an area of unserviced commercial/industrial is provided for along most of the Highway 41 frontage. The most northerly Highway 41 frontage is designated for unserviced country residential use to respect the two dwellings currently located there. The remainder of the quarter section is also intended for unserviced country residential use. A green space buffer is to be provided between the area of unserviced commercial/industrial and the area of unserviced country residential. It would be possible to close the service road along Highway 41 and incorporate that land into the subdivision/development of the lots once the internal, rear service road is constructed. In this sense, then, the Generalized Future Land Use is definitive.

Are the Generalized Road Layout or Generalized Future Land Use intended to provide exact locations, sizes, specifications, and so forth? No; but, they certainly serve to guide further, more detailed planning and on-site engineering as the area develops. It is important that the major elements in planning for the future of this ASP area are considered so that interim uses, subdivision and development can occur without jeopardizing future use, subdivision and development.

As is normally the case, development sequence will be dependent on the logical extension of roads, power, gas and other utilities, fiscal realities, market demand and landowner willingness.

6. ON-SITE SERVICING AND ROADS

It is important to note that all uses and developments within the Plan area are to be unserviced, meaning that potable water will be provided on-site either via groundwater or cisterns and any sewage generated will also be treated on-site via the various methods available in accordance with Provincial statues and regulations (e.g. disposal fields, treatment mounds, etc.). The policies of this ASP as well as the accompanying land use district will specify what an owner/developer is responsible for in proving site suitability for unserviced subdivision/development.

As far as stormwater management is concerned, there shall be no change between pre and post-development off-site flows except where the application conforms to an approved stormwater management plan approved in conjunction with the County and Alberta Environment. Stormwater will be managed via surface flow only and largely through existing and future roads ROW. Natural drainage courses will be respected and protected via the mechanisms available (e.g. environmental reserve).

This ASP acknowledges that, at some point, a Traffic Impact Assessment (TIA) may be required as part of subsequent subdivision and development within the Plan area. It is further understood that any TIA conducted must be to the satisfaction of the County as well as Alberta Transportation.

At a minimum, all new roads provided within this ASP will be a 30 m ROW and be constructed to County standards at the sole expense of the owner/developer. As Figures 8 and 9 show, large radius turning bulbs are required at the corners of the rear service road parallel to Highway 41 within SE 7 and NE 651-6-W4 to accommodate large vehicle turnaround should it be required. The internal road system and green space areas need to account for the safe and efficient movement of pedestrians. It is important to remember that it is no longer just about roads: pedestrian (ie: non-motorized) traffic also needs attention.

All franchised utilities will be provided by the owner/developer and utility easements will be established where necessary at the time of subdivision. Any existing utility and other ROW's will be respected in the detailed site planning of the lands as subdivision and development proceeds.

It is important to note that this ASP, and Figures 8 and 9 in particular, were developed in consultation with Alberta Transportation. The lands within this ASP need to be carefully planned in relation to Highway 41 as it is highly desirable that the Plan be adopted by Alberta Transportation. The access management utilized/illustrated in Figures 8 and 9 (ie: using only existing Township Road intersections with no additional direct access to Highway 41) is intended to ensure that everything continues to work well for all parties concerned long into the future.

7. FORCE AND EFFECT

The North 41 Gateway ASP is intended to refine existing general policy direction and land use designations assigned to these lands within the Vermilion IDP and the County of Vermilion River MDP, guide/confirm the assignment and implementation of land use districts to the lands within the County of Vermilion River LUB as well as establish a sound framework for future decisions on land use, subdivision, servicing and development permits. It must be noted that in making future decisions concerning the use, subdivision and development of the lands within this ASP, the County will need to remain mindful of and monitor on-site lot servicing and make any necessary adjustments to uses, densities and lots sizes within this ASP accordingly.

Policy 1 The County shall ensure that all future land use, subdivision, development and amendment decisions made regarding lands within the North 41 Gateway Area Structure Plan (ASP) comply with the provisions contained in this ASP including Figures 8 and 9 following Page 11. Should such a decision require or amount to a major deviation from or relaxation/variation of the provisions of this ASP, an amendment to this ASP shall be required. Decisions that would result in or amount to a minor deviation from or relaxation/variation of the provisions of this ASP may be considered without an amendment to this ASP where the owner/developer can demonstrate to the satisfaction of the County that the deviation, relaxation or variation does not substantively alter the intent, force or effect of the provisions of this ASP.

Policy 2 It is intended that this ASP, its concepts and provisions are used in tandem with the relevant provisions of the Vermilion IDP as well as the County of Vermilion River MDP and LUB, particularly in guiding the exercise of discretion in rendering decisions on subdivision and development permit applications. This ASP will be used to guide any required amendments to the provisions or land use designations or districts in the IDP, County MDP or LUB.

Policy 3 The exercise of discretion and variance related to any matter or decision rendered with respect to this ASP as well as the amendment of this ASP shall be guided by the following principles:

- (a) The exercise of variance or discretion in deciding an application or an amendment to this ASP must be both reasonable and defensible within the letter and spirit of this ASP as well as widely accepted planning principles.

- (b) If a requirement or provision of this ASP is to be deviated from or if an amendment is to be made, it is essential that those exercising the discretion or deciding upon variance or making the amendment clearly understand the rationale behind the requirement or provision they are being asked to vary or amend.
- (c) Discretion, variance and amendment shall only be considered if it can be demonstrated that the discretion, variance or amendment being considered will, at a minimum, not jeopardize the policies of this ASP and, at best, better serve them.
- (d) Any variance or discretion exercised or any amendment made shall be fully documented so that the reasons and rationale for the variance or discretion exercised or the amendment are accurately recorded and clearly understood.

Policy 4 Should an owner/developer make repeated applications to amend this ASP once it is in effect, the County may undertake or require that the owner/developer undertake an overall review of this ASP instead of continuing to entertain individual, isolated amendment applications so that the implications of the revisions to this ASP can be considered and evaluated, at a minimum, in the context of the entire ASP area and, if warranted, beyond this ASP area.

Policy 5 For the purposes of Section 638 of the Municipal Government Act, by way of the accompanying IDP amendments contained in Appendix One, the vision and future land uses in Figures 8 and 9 of this ASP are consistent with Map 8, the Generalized Future Land Use Concept of the IDP.

Policy 6 For the purposes of Section 638 of the Municipal Government Act, by way of the accompanying MDP amendment contained in Appendix Two, notwithstanding anything to the contrary, the provisions of the North 41 Gateway Area Structure Plan, being Bylaw No. 10-11 and any amendments thereto, serve to refine, articulate, specify and otherwise constitute the provisions of the County of Vermilion River MDP as it applies to the lands within the North 41 Gateway Area Structure Plan.

Policy 7 In tandem with the adoption of this ASP, the specifically tailored direct control land use district attached in Appendix Three, being the NGDC – North Gateway Direct Control District, shall be inserted into the Land Use Bylaw. The NGDC – North Gateway Direct Control District further specifies land uses, site development standards, landscaping requirements, architectural controls, pedestrian connectivity and any other matters the Council considers necessary. The NGDC - District

applies to and will be assigned to the lands within the North 41 Gateway ASP area when the County considers it appropriate to do so, a prerequisite of which being the submission of subdivision and/or development permit applications deemed by the County to be in their complete form and consistent with the North 41 Gateway ASP.

Policy 8 The County supports a large number of community recreational structures and facilities with both operational and capital needs. Thus, the full 10% reserve allowable under Section 666(2) of the Municipal Government Act will be taken to ensure the recreational and operational needs of the area are met. Reserves will be taken for the entire parcel that is the subject of the application at the time of subdivision in the form of land, cash-in-lieu of reserve land or deferred by way of deferred reserve caveat.

Policy 9 Environmental reserves will be taken according to Section 664 of the Municipal Government Act either in the form of a lot (ownership transferred to the municipality) or as an environmental reserve easement (private ownership is retained). The County may require any owner/developer to provide hazard land as environmental reserve as part of a subdivision application. Where the County wishes to ensure public access to a water body, environmental reserve in the form of a lot will be taken. All environmental reserve is to remain in its natural state except as permitted in accordance with Part 17, Division 9 of the Municipal Government Act. In some instances, conservation easements may be considered in place of environmental reserves as provided for in the section 22 of the Environmental Enhancement and Protection Act.

Policy 10 The County shall refer to “FireSmart: Protecting Your Community from Wildfire” in their efforts to minimize the risk of wildfire within the North 41 Gateway ASP area.

Policy 11 With respect to all new development or any redevelopment within 300 m (985 ft) of Highway 41 within this ASP, the County encourages an elevated standard both with respect to landscaping standards and architectural appearance considering this area comprises the North Gateway to the Town of Vermilion. The County will work to achieve this through the various mechanisms at their disposal including, as examples, the use of an overlay land use district and/or restrictive covenant. This will be addressed at the time of subdivision and/or development as appropriate. Template Property Appearance Provisions are provided in Appendix Five that could be used to establish a positive visual impression of the North 41 Gateway corridor. Pedestrian connectivity shall also be addressed prior to any decisions being made at the subdivision level.

- Policy 12** All site preparation, public roads, pedestrian walkways and any other public facilities/improvements shall be professionally engineered and constructed to the satisfaction of the County in accordance with the County's standards.
- Policy 13** Subdivision and development permit applications shall comply with the Stormwater Management Guidelines for the Province of Alberta 1999, prepared by Alberta Environment. There shall be no change between pre and post-development off-site flows except where the application conforms to an approved stormwater management plan approved in conjunction with the County.
- Policy 14** Subdivision and development permit applicants shall be responsible for making all necessary arrangements regarding the disposal/management of stormwater off-site and providing to/for the County all required documentation, permission, approvals and/or other forms of authorization from all relevant agencies having jurisdiction in relation thereto.
- Policy 15** The provisions of the North 41 Gateway ASP uphold and protect the integrity and function of Highway 41. This is important to secure and maintain Alberta Transportation's endorsement of this ASP, something which the County values very highly.
- Policy 16** As a condition of subdivision or development approval pursuant to this ASP, the applicant/owner/developer may be required, at their sole expense, to prepare a Traffic Impact Assessment (TIA), the timing and scope of which as determined by the County and Alberta Transportation. If a TIA should be required, it will be prepared to the satisfaction of the County as well as Alberta Transportation.
- Policy 17** Any engineering, requirements or improvements identified in or resulting from the TIA approved by the County and/or Alberta Transportation, or any other engineering, requirement or improvement specified by Alberta Transportation in relation to Highway 41 as a result of or that is attributable to the development of this ASP area must be undertaken to the satisfaction of Alberta Transportation, in consultation with the County, at the sole cost of the developer.
- Policy 18** When the opportunity arises as part of a subdivision or development permit application within the ASP area, and when considered warranted and appropriate by the ILC in their review of the application, road rights of way required up to and including 30 metres (100 ft) in total width should be protected without compensation using whatever legal means

or form of agreement necessary and appropriate (ranging from survey and transfer to dedication by caveat, etc.) at the time of subdivision or development permit approval, as the case may be.

Policy 19 If an application involves explosives or radioactive material, the Development or Subdivision Authority, as the case may be, shall:

- (a) consider the effects of the storage and/or transport of explosives or radioactive material proposed in an application (e.g. the implications of the development setbacks specified in the Quantity-Distance tables of the Explosives Regulations or the provisions of the Transportation of Dangerous Goods Act) on the other existing and proposed use(s) located or proposed to be located on the subject parcel as well as adjacent parcels;
- (b) at their discretion, prior to deciding upon the application before them, provide public notice, through means and to whom they consider necessary, that a decision regarding an application involving the storage and/or transport of explosives or radioactive material is to be made, that an opportunity will be afforded to any person notified to make representation on the application and that the representations made shall be taken into account when final consideration is given to the said application; and,
- (c) based on the circumstances of the application before them, and at their sole discretion, either grant their approval, provided the application otherwise complies with this ASP or any Conceptual Scheme in effect, the MDP and the LUB, subject to the applicant complying with all applicable provincial and federal as well as any other municipal regulations related to explosives or radioactive material (and submitting proof of same – e.g. a license or certificate, as specified by the Development or Subdivision Authority, that they have complied), or withhold their approval until such time as the applicant demonstrates, to their satisfaction, compliance with all applicable provincial and federal as well as any other municipal regulations related to explosives or radioactive material.

Policy 20 The County has limited capacity to control the development and life span of oil/gas wells within this ASP. As a result, the future ability of the County to approve orderly development can be affected by the presence of existing and future oil/gas leases, even in an unserved area with lot densities being comparatively low, as is the case with this ASP. Therefore, the County will work with oil and gas interests and landowners

to identify well-site development and production schedules that coordinate with land use designations within this ASP. In working with oil and gas interests and landowners, the County will strongly recommend that the following siting/development principles be followed:

- (a) wells should be clustered whenever possible;
- (b) flow lining to a common location for multiple wells should be utilized whenever possible;
- (c) clustered well sites should be located whenever possible next to public utility lots, storm water lakes and future municipal reserves (parks);
- (d) road accesses to clustered wells should be combined wherever possible and access routes utilized should be made to fit existing and identified future roadways whenever possible;
- (e) operating conditions of well/battery sites should be adjusted as follows:
 - i) flow lining to battery site outside the urbanized/urbanizing area should be utilized,
 - ii) fluids should be hauled, tanks should be vacuumed/cleaned and servicing/maintenance should take place during regular daytime hours,
 - iii) storage tank temperature should be kept at a level such that associated impacts, particularly odour, are minimized to the fullest extent possible,
 - iv) portable generators should not be used to provide power, and
 - v) every effort needs to be made using whatever measures required to minimize odours, noise, dust, vibration and any other negative impacts.

Policy 21 The protocols and procedures that have been established for the ILC Technical and ILC Steering Committee, as amended from time to time, will be adhered in the administration and application of the North 41 Gateway ASP. Either the ILC Steering or Technical Committee may

request more information in relation to any application or matter brought before it in order to render an informed decision or recommendation.

Policy 22 Further to Policy 21, the County shall consider requiring that all subdivision applications received within the North 41 Gateway ASP, or in certain areas of the ASP, be referred to the ILC Steering and/or Technical Committee prior to being accepted by the Subdivision Authority as a completed application.

Policy 23 Given the North 41 Gateway ASP, and the NGDC – District when applied, provides for future unserviced commercial/industrial and country residential subdivision and development, it is especially important that sufficient information is available to those making decisions pursuant to this ASP and the NGDC – District when applied so that applications can be properly assessed and evaluated and informed decisions made. The following apply to subdivision applications received in relation to lands within the North 41 Gateway ASP:

- (a) Further to the MGA’s Subdivision and Development Regulation, and in addition to any requirements in the County’s MDP or LUB, applicants for subdivision within this ASP shall be required by the Subdivision Authority to provide, at a minimum, the following prior to accepting the subdivision application as complete:
 - i) an application form completed in its entirety providing accurate information regarding the proposed uses of the land, the physical characteristics of the land, the reasons for subdivision, and so forth.
 - ii) a well-drawn, easily interpretable sketch of the proposed subdivision, preferably prepared by an Alberta Land Surveyor, must accompany the application clearly indicating the following:
 - 1. the location, dimensions and boundaries of each new lot to be created and the distance from the existing lot boundaries;
 - 2. the location of existing buildings and their distances from existing and proposed boundaries;
 - 3. the type of building (i.e. house, garage, shed, barn, etc.) and dimensions of existing buildings;

4. the size and location of any natural features such as sloughs, creeks, low/wet areas, treed areas, etc. and their distance from proposed boundaries;
5. the location and distance from existing and proposed man made features such as oil and gas facilities, water wells, sewage disposal systems; and,
6. the location of all existing and proposed roadways/ approaches.

Policy 24 In addition to Policy 23, applicants for subdivision within the North 41 Gateway ASP may be required by the Subdivision Authority, in consultation with the ILC, to provide information or address any or all of the following prior to accepting the subdivision application as complete:

- (a) general terrain;
- (b) soil characteristics;
- (c) soils capability to provide drainage and absorb sewage effluent;
- (d) potential for flooding, erosion or slumping of the land;
- (e) stormwater/wetland management;
- (f) adequacy of the proposed building sites;
- (g) proposed public road access;
- (h) availability of a water supply that is adequate for drinking and for the intended use of the parcel(s);
- (i) proximity to existing utilities;
- (j) proposed means of buffering in relation to adjacent lands;
- (k) all existing and historic oil/gas facilities and measures to mitigate any associated impacts;
- (l) provision/availability of emergency services;

- (m) identification and form of environmental reserve and/or conservation easement pursuant to Policy 9 of this ASP;
- (n) how the configuration, dimensions, spacing and location of the proposed parcel(s) complies with or does not interfere with any element indicated in Figures 8 or 9 of this ASP;
- (o) how anticipated development within the proposed parcel(s) is to be sited to avoid interference with subdivision/development at urban densities; and,
- (p) any other matters the ILC consider necessary.

Policy 25 The requirements outlined in Policy 24 may be required in the form of a Conceptual Scheme, prepared by a qualified person (ie: Registered Professional Planner) either in support of a subdivision application or accompanying amendment to the County's LUB to apply the NGDC - District.

Policy 26 The County shall pursue whatever actions are deemed appropriate or necessary to secure compliance with the provisions of this ASP.

Policy 27 The County may require owner(s)/developer(s) to enter into an agreement with the County as a condition of an approved subdivision or development permit application pursuant to the Municipal Government Act.

Policy 28 The County may require caveats, performance bonds, letters of credit, restrictive covenants or any other available mechanisms to secure performance of any requirement stipulated in the provisions of this ASP.

Policy 29 The County will ensure that when amendments are to this ASP in the future, any requisite amendments to the Vermilion IDP and County of Vermilion River MDP are also made to ensure conformance with Section 638 of the MGA.

Policy 30 The Dispute Resolution/Mediation Procedures contained under Section 5.5 of the Vermilion IDP will be utilized to resolve conflicts that arise in relation to the administration, implementation and application of the North 41 Gateway ASP.

Policy 31 The County will monitor the North 41 Gateway ASP on an on-going basis. Notwithstanding, this ASP will be reviewed within five years of being adopted (by 2015).

**Appendix One
(forms part of this ASP)**

Amendments to the Vermilion IDP

BYLAW 10-12 OF THE COUNTY OF VERMILION RIVER

Being a Bylaw to Amend the Vermilion Intermunicipal Development Plan

WHEREAS The Council of the County of Vermilion River, upon recommendation from the Vermilion Intermunicipal Liaison Committee, deems it necessary to amend the Vermilion Intermunicipal Development Plan, being Bylaw 09-40, and amendments thereto, to ensure conformity with the North 41 Gateway Area Structure Plan, being Bylaw No. 10-11;

WHEREAS Section 638 of the Municipal Government Act requires that all statutory plans adopted pursuant to the Act be consistent with one another, the Council of the County of Vermilion River deems it appropriate to amend the Vermilion Intermunicipal Development Plan, being Bylaw 09-40, and amendments thereto, to ensure conformity with the provisions of the North 41 Gateway Area Structure Plan, being Bylaw No. 10-11;

NOW THEREFORE Under the authority of the Municipal Government Act, the Council of County of Vermilion River, in the Province of Alberta, duly assembled enacts as follows:

1. That Bylaw No. 09-40, being the Vermilion Intermunicipal Development Plan, and amendments thereto, be amended by revising Map 8, the Generalized Future Land Use Concept, as it relates to the North 41 Gateway Area Structure Plan in the manner indicated in Schedule "A" attached to and forming part of this Bylaw.
2. Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall be maintained.
3. That this Bylaw becomes effective upon the date of the final passing thereof.

Read a first time this _____ day of _____, 2010

Public Hearing Held on the _____ day of _____, 2010 held at

Read a second time this _____ day of _____, 2010

Read a third time and finally passed, this _____ day of _____, 2010

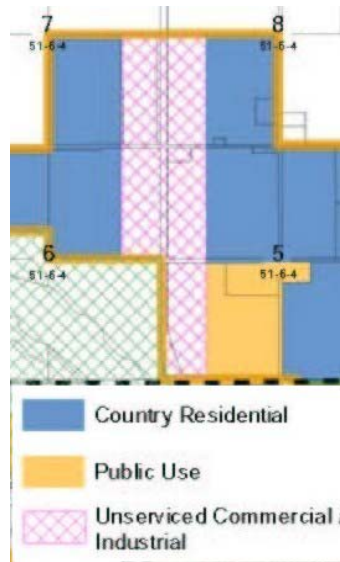
Reeve

County Administrator

Schedule "A"

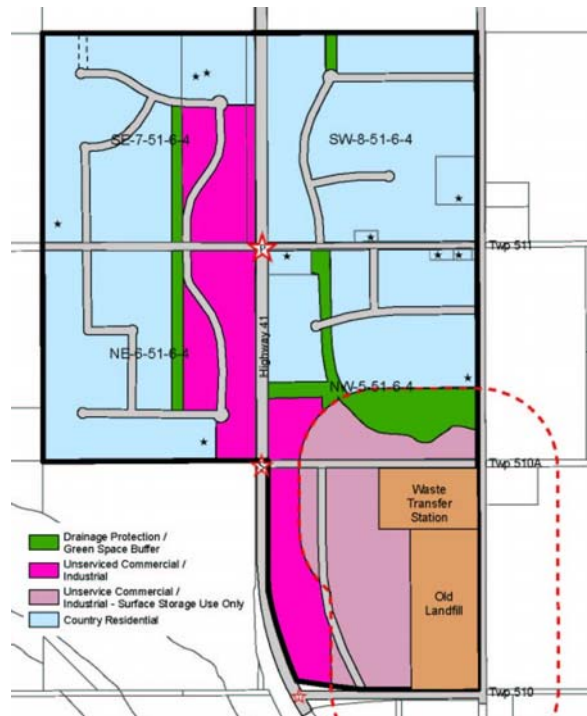
Amend Map 8 of the IDP, entitled "Generalized Future Land Use Concept", from what is illustrated in Sketch 1, in terms future land use designations,

Sketch 1



to what is illustrated in Sketch 2, in terms of future land use designations.

Sketch 2



BYLAW 12-2010 OF THE TOWN OF VERMILION

Being a Bylaw to Amend the Vermilion Intermunicipal Development Plan

WHEREAS The Council of the Town of Vermilion, upon recommendation from the Vermilion Intermunicipal Liaison Committee, deems it necessary to amend the Vermilion Intermunicipal Development Plan, being Bylaw 9-2009, and amendments thereto, to ensure conformity with the North 41 Gateway Area Structure Plan;

WHEREAS Section 638 of the Municipal Government Act requires that all statutory plans adopted pursuant to the Act be consistent with one another, the Council of the Town of Vermilion deems it appropriate to amend the Vermilion Intermunicipal Development Plan, being Bylaw 9-2009, and amendments thereto, to ensure conformity with the provisions of the North 41 Gateway Area Structure Plan;

NOW THEREFORE Under the authority of the Municipal Government Act, the Council of Town of Vermilion, in the Province of Alberta, duly assembled enacts as follows:

1. That Bylaw No. 9-2009, being the Vermilion Intermunicipal Development Plan, and amendments thereto, be amended by revising Map 8, the Generalized Future Land Use Concept, as it relates to the North 41 Gateway Area Structure Plan in the manner indicated in Schedule "A" attached to and forming part of this Bylaw.
2. Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall be maintained.
3. That this Bylaw becomes effective upon the date of the final passing thereof.

Read a first time this _____ day of _____, 2010

Public Hearing Held on the _____ day of _____, 2010 held at

Read a second time this _____ day of _____, 2010

Read a third time and finally passed, this _____ day of _____, 2010

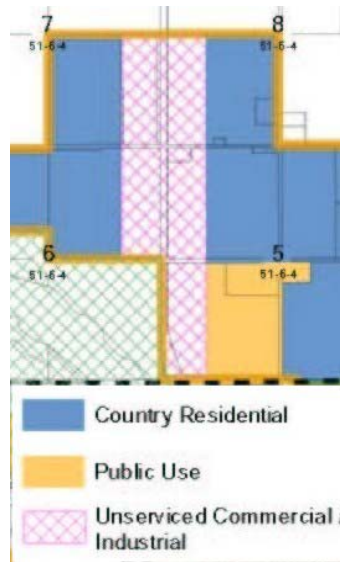
Mayor

Town Manager

Schedule "A"

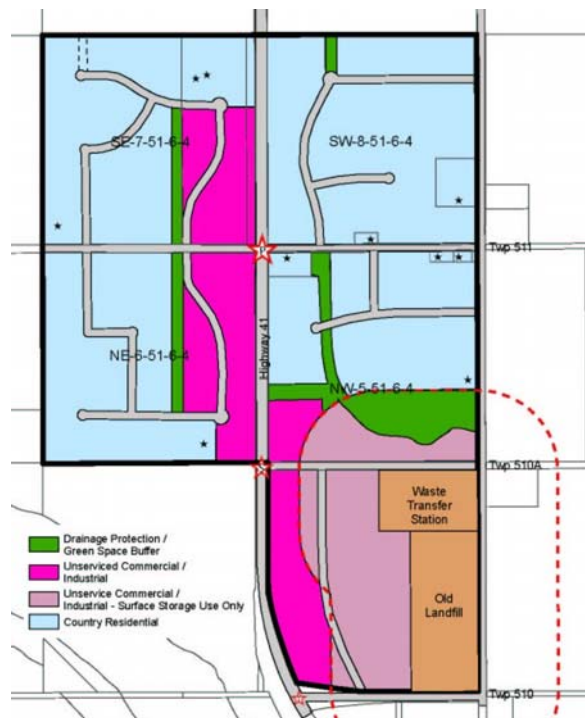
Amend Map 8 of the IDP, entitled "Generalized Future Land Use Concept", from what is illustrated in Sketch 1, in terms future land use designations,

Sketch 1



to what is illustrated in Sketch 2, in terms of future land use designations.

Sketch 2



**Appendix Two
(forms part of this ASP)**

Amendment to the County of Vermilion River MDP

BYLAW 10-13 OF THE COUNTY OF VERMILION RIVER

Being a Bylaw to Amend the County of Vermilion River Municipal Development Plan

WHEREAS Section 638 of the Municipal Government Act requires that all statutory plans adopted pursuant to the Act be consistent with one another, the Council of the County of Vermilion River deems it appropriate to amend the County of Vermilion River Municipal Development Plan, being Bylaw No. 07-14, and amendments thereto, to ensure conformity with the provisions of the North 41 Gateway Area Structure Plan, being Bylaw No. 10-11;

AND WHEREAS The Council of the County of Vermilion River wishes to rely on the provisions of the North 41 Gateway Area Structure Plan, being Bylaw No. 10-11, to refine and further specify the general policy direction applicable to this area in the County of Vermilion River Municipal Development Plan, being Bylaw No. 07-14, and amendments thereto.

NOW THEREFORE Under the authority of the Municipal Government Act, the Council of County of Vermilion River , in the Province of Alberta, duly assembled enacts as follows:

1. That Bylaw 07-14, being the County of Vermilion River Municipal Development Plan, be amended by inserting the following under Plan Administration:

“Statutory Plan Consistency

Section 638 of the Municipal Government Act requires that all statutory plans adopted pursuant to the Act be consistent with one another. The County of Vermilion River wants to ensure that the Municipal Development Plan is consistent with any area structure plan it adopts.

For the purposes of Section 638 of the Municipal Government Act, notwithstanding anything to the contrary, the provisions of the North 41 Gateway Area Structure Plan, being Bylaw No. 10-11 and any amendments thereto, serve to refine, articulate, specify and otherwise constitute the provisions of the County of Vermilion River Municipal Development Plan as it applies to the lands within the North 41 Gateway Area Structure Plan.”

2. Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall be maintained.
3. That this Bylaw becomes effective upon the date of the final passing thereof.

Read a first time this _____ day of _____, 2010

Public Hearing Held on the _____ day of _____, 2010 held at

Read a second time this _____ day of _____, 2010

Read a third time and finally passed, this _____ day of _____, 2010

Reeve

County Administrator

**Appendix Three
(forms part of this ASP)**

**Amendment to the County of Vermilion River LUB
NGDC - NORTH GATEWAY DIRECT CONTROL DISTRICT**

BYLAW 10-14 OF THE COUNTY OF VERMILION RIVER

Being a Bylaw to Amend the County of Vermilion River Land Use Bylaw

WHEREAS the Council for the County of Vermilion River deems it appropriate and expedient to amend the County of Vermilion River Land Use Bylaw, being Bylaw 07-13 and amendments thereto, to synchronize and seam together the planning policy and regulatory structure/framework for the lands contained within the North 41 Gateway Area Structure Plan, being Bylaw No. 10-11 and any amendments thereto, helping to ensure ‘development readiness’ for investors and facilitate decision making at the municipal and senior government level.

NOW THEREFORE Under the authority of the Municipal Government Act, the Council of County of Vermilion River, in the Province of Alberta, duly assembled enacts as follows:

1. The Land Use Bylaw of the County of Vermilion River, being Bylaw No. 07-13 and amendments hereto, is hereby amended as follows:
 - (a) By inserting the following land use district under Section 6.3:

“6.3.22 NGDC - NORTH GATEWAY DIRECT CONTROL DISTRICT

(1) General Purpose and Intent

This land use district is intended specifically to provide for land use(s), subdivision(s) and development(s) in accordance with and as specified in the North 41 Gateway Area Structure Plan (ASP), being Bylaw No. 10-11, and any amendments thereto. The NGDC - District applies to the lands within the North 41 Gateway ASP boundary as indicated on Figure 9 and will be assigned to these lands when the County considers it appropriate to do so, a prerequisite of which being the submission of subdivision and/or development permit applications deemed by the County to be in their complete form and consistent with this ASP. For reference, Figure 9 of the North 41 Gateway ASP is shown on the following Page.

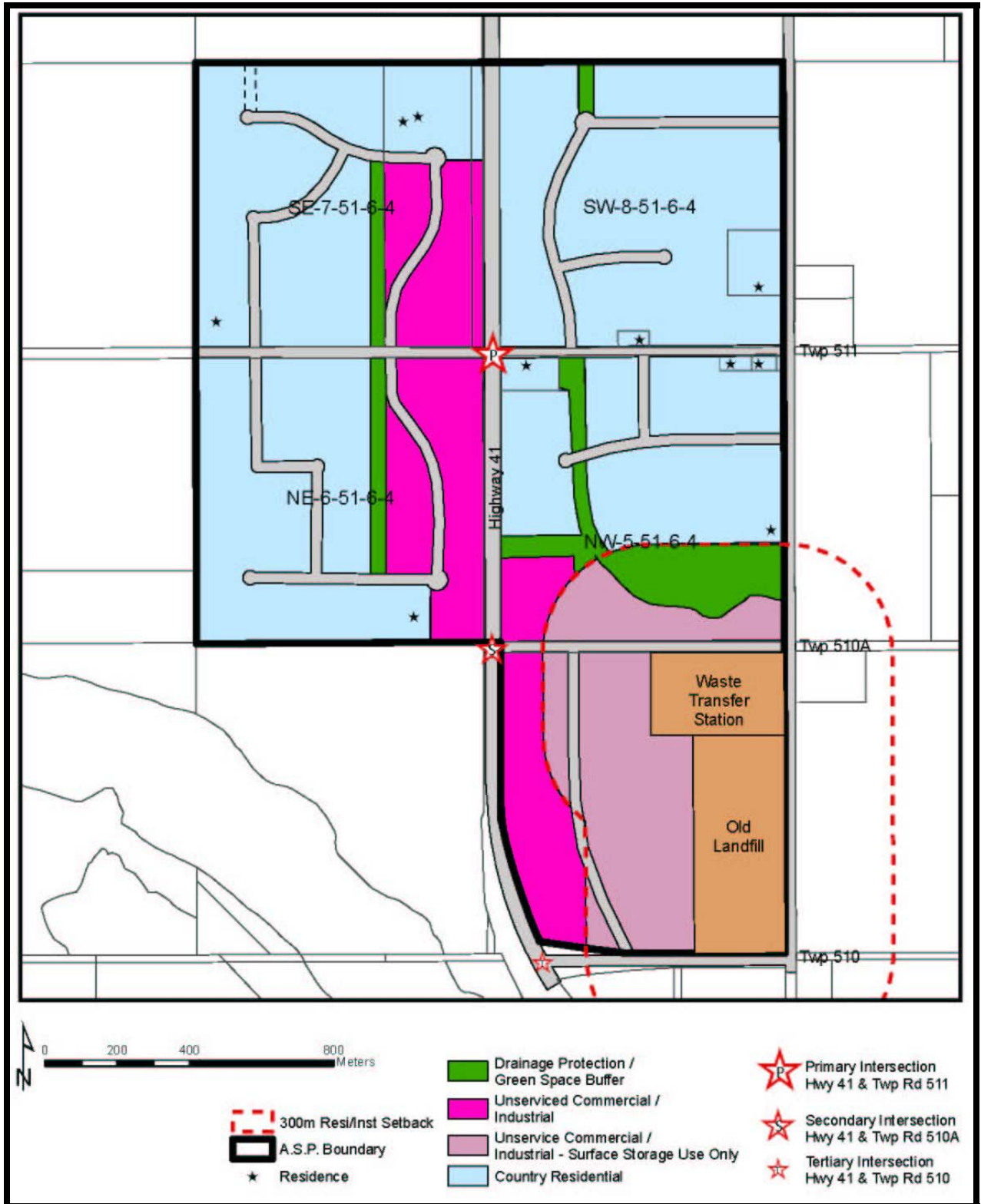


Figure 9 – North 41 Gateway ASP

The purpose of the North 41 Gateway ASP is to establish the future road layout, land uses and related provisions and highway access management in relation to Highway 41 for these lands. The vision is to create a realistic supply of unserviced, large-lot commercial/industrial land along Highway 41 at the northern entrance to the Town of Vermilion as well as to west and north of the existing waste transfer station and the old landfill. The remainder of the ASP area provides for unserviced, large-lot country residential lots. Lots adjacent to Highway 41 will be expected to adhere to a reasonable standard of development and landscaping to maintain a positive visual image at the Town's northern gateway.

This land use district, in tandem with the ASP on which it is based, provides the ways and means necessary to ensure that the future use, subdivision and development of the subject lands occurs in a planned manner and that the processing of subsequent subdivision and development permit applications can be carried out with efficiency and clarity. Council, at their discretion, who may delegate their discretion to the Subdivision Authority or Development Authority, may allow for the uses, subdivision and development provided for these lands within the North 41 Gateway ASP.

(2) Definitions

For the purposes of this land use district, and notwithstanding any provisions to the contrary elsewhere in the County of Vermilion River Land Use Bylaw (LUB), the following definitions shall apply:

"ACCESSORY BUILDING" - means a building separate and subordinate to the principal building, the use of which is incidental to that of the principal building and which is located on the same parcel of land;

"ACCESSORY USE" - means a use customarily incidental and subordinate to the principal use or building and which is located on the same parcel of land with such principal use or building;

"AGRICULTURAL SERVICE FACILITY" - means a use which provides non-industrial, agriculturally oriented services to the rural community. Without restricting the generality of the foregoing, this shall include the retailing, servicing and/or repairing of agricultural implements and goods such as farm machinery, grain elevators and fertilizer but does not involve salvaging;

"BED AND BREAKFAST OPERATION, MINOR" - means when overnight accommodation is provided in no more than two (2) rooms of a dwelling, as defined herein and in which the owner lives, for a fee, length of stay generally not to exceed two (2) weeks, and meals are provided for the guest;

“BOARDING/LODGING” - means a use accessory to a dwelling in which the owner lives and supplies sleeping unit accommodation, for remuneration, for not more than two (2) residents to whom they are not related. It may or may not include meal service;

“COMMERCIAL STORAGE” - means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods or a facility used exclusively to store bulk goods of a non-hazardous nature. This use does not include outdoor storage;

“CONTRACTOR SERVICE, MAJOR” - means premises used for the provision of building and road construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site storage and warehouse space but does not involve salvaging. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor services use only;

“CONTRACTOR SERVICE, MINOR” - means development used for the provision of electrical, plumbing, heating, painting and similar contractor services primarily to individual households and the accessory sale of goods normally associated with the contractor services where all materials are kept within an enclosed building, and there are no accessory manufacturing activities, no salvaging or fleet storage of more than four vehicles;

"DWELLING" - means a residence intended for permanent occupancy by one household and which meets the requirements of the Alberta Building Code. A dwelling does not include a holiday trailer or recreational vehicle;

"DWELLING, DOUBLE-WIDE MANUFACTURED" - means a manufactured dwelling consisting of two sections separately towed, designed to be joined together, side by side, into one integral dwelling on site;

"DWELLING, MANUFACTURED" - means a transportable dwelling in single or multiple section(s) conforming to Canadian Standards Association and Alberta Labour certification standards at time of manufacture. It is ready for residential occupancy upon completion of set-up in accordance with required factory recommended installation instructions. A manufactured dwelling does not include a holiday trailer or recreational vehicle;

"DWELLING, MODULAR" - means a finished section or sections of a complete dwelling built in a factory for transport to the site for installation. Finished means fully enclosed on the exterior and interior but need not include interior painting, taping, installation of cabinets, floor covering, fixtures, heating system, and exterior finishes;

"DWELLING, SINGLE-WIDE MANUFACTURED" - means a manufactured dwelling designed specifically to be towed in a single load and consisting of one integral dwelling placed on the site;

"DWELLING, SINGLE DETACHED" - means a dwelling constructed on site upon on a permanent foundation and/or basement.

"EQUIPMENT FABRICATION" - means the assembly and required storage of industrial equipment, trailers and other similar equipment and may involve a sales component;

"HEAVY VEHICLE AND EQUIPMENT STORAGE/PARKING" – means the outdoor on-site storage/parking of heavy vehicles (e.g. tractor-trailer unit, flatbed, grain truck, tanker, and so forth) and equipment (e.g. back/truck hoe, grader, earth-moving equipment, and so forth);

"HOME OCCUPATION" - means any occupation, trade, profession or craft, other than a minor bed and breakfast operation as defined in this land use district, carried on by an occupant of a residential building as a use secondary to the residential use of the building or land. A home occupation does not include the keeping of stock-in-trade unless otherwise approved by the Development Authority. Home occupations are divided into two categories:

- (a) Minor - home occupations that do not employ any person who is not a resident of the home, do not generate more than four client/customer vehicle trips per day, do not extend beyond the confines of the residential unit, and which does not change the character thereof or have any exterior evidence of such secondary use other than a 1.0 m² (10.76 ft²) nameplate;
- (b) Major - home occupations that may employ persons who are not a resident of the home, may generate more than four client/customer vehicle trips per day, may utilize accessory buildings and may involve outside storage, and does not change the character of the residential unit or property;

"HOME OFFICE OR STUDIO" – means the use of up to 15% of the gross floor area of a dwelling as a professional or business office or home craft studio by a resident or residents of the dwelling. Any office equipment shall be limited to a desk, telephone, computer, facsimile and other basic office equipment. Typical uses include farm offices, home craft artisan, catalogue or internet sales, home representatives (other than a main supplier or distributor), consultants, accountants and other similar professionals. This use does not include warehousing of goods, outdoor storage, client visits to the dwelling or signage;

"NATURAL RESOURCE EXTRACTION" - means the extraction of natural resources, including oil and gas, peat, metallic minerals, non-metallic minerals (such as sand, gravel, coal, limestone, gypsum, granite and salt);

"NATURAL RESOURCE PROCESSING " - means the processing, storage and transmission of natural resources, including oil and gas, peat, metallic and non-metallic minerals (such as sand, gravel, coal, limestone, gypsum, granite and salt);

"OUTDOOR STORAGE" – means a development where, in the opinion of the Development Authority, goods, materials, or equipment are or may be place outside of a building but does not involve salvaging. Typical uses include but are not limited to pipe yards or vehicle or heavy equipment storage compounds;

"PUBLIC UTILITY" - means a public utility as defined in the Act;

"PUBLIC UTILITY BUILDING" - means a building to house a public utility, its offices or equipment;

"RECREATION VEHICLE" - means a vehicle that is solely for the personal use and enjoyment of the individual and may include recreation homes, all terrain vehicles, holiday trailers and campers, dirt bikes and motorized boats;

"RECREATION VEHICLE STORAGE" - means the use of a building and/or site primarily for the storage of vehicles such as travel trailers, motorhomes, slide-in campers, chassis-mounted campers and tent trailers but does not include manufactured homes;

"RECYCLING DEPOT" - means development used for the buying, collection, sorting, and temporary storage of bottles, cans, beverage containers and similar household goods for reuse where all storage is contained within an enclosed building. This does not include recycling drop-off centres;

"RECYCLING DROP-OFF" - means a development used for the collection and temporary storage of recyclable materials. Recyclable materials include, but are not limited to, cardboard, newspapers, plastics, paper, metal and similar household goods. Recyclable material left at the drop-off centre shall be periodically removed and taken to larger, permanent recycling operations for final recycling. This does not include recycling depots;

"SCREENING" - means, without restricting the generality of the following, a row of trees, shrubs, earth berm or fencing that provides visual screening and separation and/or noise attenuation between parcels and/or between parcels and roadways. The term buffer has the same meaning;

"SMALL ANIMAL BOARDING/BREEDING" - means any development in which or any land on which four (4) or more dogs, cats or other small animals are maintained, bred, trained or cared for in return for remuneration or kept for purposes of sale;

"SPECIALTY AGRICULTURE" - means a commercial agricultural operation, other than a confined feeding operation, which requires smaller tracts of land due to the intensive nature of the operation. Without restricting the generality of the foregoing, this shall include nurseries, greenhouses, sod farms, mushroom farms, market gardens and apiaries;

"STOCKPILE SITE" - means an open land area where one or a combination of sand, gravel, soil, and rock fragments are stored for off site use;

"SURVEILLANCE SUITE" - means a manufactured/modular dwelling or a seasonal residence, all without basement, used solely to accommodate a person or persons comprising a household, or employee, whose official function is to provide surveillance, maintenance and/or security for a commercial or industrial development or developments provided for in this land use district. The dwelling shall form part of the development with which it is associated and clearly be a subordinate use of the lot on which it is located;

"TEMPORARY BUILDING" - means a structure for which approval may be granted for a maximum period of one (1) year upon the initial application with the length of approval of subsequent applications being at the Development Authority's discretion;

"TEMPORARY USE" – means a use for which approval may be granted for a maximum period of one (1) year upon the initial application with the length of approval of subsequent applications being at the Development Authority's discretion;

"TRANSPORTATION FACILITIES" - means the use of land or buildings for public transportation related activities;

"WAREHOUSE" - means a structure used for the storage and distribution of raw materials, processed or manufactured goods, and establishments providing servicing for those purposes;

"VETERINARY SERVICE" - means development used for the care and treatment of animals where the service primarily involves in-patient care and major medical procedures involving hospitalization for periods of time. This use includes animal hospitals, animal shelters, and animal crematoriums.

- (3) Section 6.3.22(3) applies to the lands designated Unserviced Commercial/Industrial on Figure 9 of the North 41 Gateway Area Structure Plan, being Bylaw 10-11, and amendments thereto.

Permitted Uses

Accessory building.
All uses and development over which the County has jurisdiction and lawfully in existence on parcels existing at the time this land use district was assigned and came into effect.
Contractor service, minor.
Contractor service, major.
Heavy vehicle and equipment storage/parking.
Natural resource extraction.
Outdoor storage.
Public utility.
Public utility building.
Recreation vehicle storage.
Recycling depot.
Recycling drop-off.
Transportation facilities.
Warehouse.

Discretionary Uses

Accessory use.
Agricultural service facility.
Bus depot.
Car wash establishment.
Equipment fabrication.
Natural resource processing.
Retail establishment with retail floor space not exceeding 190.0 m² (2,045.0 ft²) associated with a permitted or discretionary use.
Small animal boarding/breeding.
Specialty agriculture.
Stockpile site.
Surveillance suite.
Temporary building.
Temporary use.
Those uses which, in the opinion of the Development Authority or Subdivision Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district and the North 41 Gateway Area Structure Plan upon which it is based.
Veterinary service.

- (4) Section 6.3.22(4) applies to the lands designated Unserviced Commercial/Industrial – Surface Storage Only on Figure 9 of the North 41 Gateway Area Structure Plan, being Bylaw 10-11, and amendments thereto.

Permitted Uses

Accessory building.
Heavy vehicle and equipment storage/parking.
Natural resource extraction.
Outdoor storage.

Discretionary Uses

Accessory use.
Contractor service, minor.
Contractor service, major.
Temporary building.
Temporary use.

Public utility.
Recreation vehicle storage.
Transportation facilities.

Those uses which, in the opinion of the Development Authority or Subdivision Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district and the North 41 Gateway Area Structure Plan upon which it is based.
Warehouse.

- (5) Section 6.3.22(5) applies to the lands designated Country Residential on Figure 9 of the North 41 Gateway Area Structure Plan, being Bylaw 10-11, and amendments thereto.

Permitted Uses

Discretionary Uses

Accessory building.
All uses and development over which the County has jurisdiction and lawfully in existence on parcels existing at the time this land use district was assigned and came into effect.
Bed and breakfast operation, minor.
Boarding/lodging.
Dwelling, double-wide manufactured.
Dwelling, modular.
Dwelling, single-wide manufactured.
Dwelling, single detached.
Home office or studio.
Home occupation, minor.
Public utility.

Accessory use.
Home occupation, major.
Public utility building.
Temporary building.
Temporary use.
Those uses which, in the opinion of the Development Authority or Subdivision Authority, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this land use district and the North 41 Gateway Area Structure Plan upon which it is based.

- (6) Minimum Site Provisions – Specific to Unserviced Commercial/Industrial

For the lands within the Unserviced Commercial/Industrial designation on Figure 9 of the North 41 Gateway Area Structure Plan, being Bylaw 10-11, and amendments thereto:

- (a) The minimum site area shall be 1.0 ha. The minimum site area may be increased at the discretion of the Subdivision or Development Authority, as the case may be, who shall take into account the general purpose and intent of this land use district, the location and setbacks of adjacent land uses and buildings, the safe and efficient movement of pedestrians and motor vehicles and the landscaping, parking and loading requirements of this land use

district and as prescribed elsewhere in this Bylaw. In the case of the areas within the Unserviced Commercial/Industrial – Surface Storage Uses Only designation on Figure 9, minimum site area is 2.0 ha.

- (b) The minimum front yard distance shall be 15.0 m from the front yard property line adjacent to an internal subdivision road and 30.0 m from the property line adjoining any other road.
- (c) The minimum side yard distance shall be 6.0 m, except for a corner parcel where the side yard requirement shall be at least 15.0 m for a side yard bounded by an internal road and 30.0 m bounded by any other road.
- (d) The minimum rear yard distance shall be 7.6 m, except where the rear yard is adjacent to a road other than an internal subdivision road in which case the minimum distance shall be 15.0 m.
- (e) All development within the lot shall not exceed 0.5 times the site area provided that provision has been made for off-street parking, loading, storage and waste disposal to the satisfaction of the Development Authority.

(7) Minimum Site Provisions – Specific to Country Residential

For the lands within the Country Residential designation on Figure 9 of the North 41 Gateway Area Structure Plan, being Bylaw 10-11, and amendments thereto:

- (a) The minimum site area shall be 0.8 ha. and the maximum site area shall be 2.0 ha.
- (b) The minimum front yard distance shall be 15.0 m from the front yard property line adjacent to an internal subdivision road and 30.0 m from the property line adjoining any other road.
- (c) The minimum side yard distance shall be 7.5 m, except where a side yard is adjacent to a road other than an internal subdivision road in which case the minimum distance shall be 30.0 m.
- (d) The minimum rear yard distance shall be 15.0 m, except where the rear yard is adjacent to a road other than an internal subdivision road in which case the minimum distance shall be 30.0 m.
- (e) All development within the lot shall not exceed 0.2 times the site area.

- (f) No more than one dwelling shall be allowed per lot.
- (g) No fur-bearing animals, fowl or livestock other than domestic pets and horses may be kept.

(8) Building Height

The height of a building shall be at the discretion of the Development Authority who shall take the following into account in determining height:

- (a) The topography of the parcel upon which the building is or is to be situated as well as the topography of immediately adjacent parcels and the surrounding area shall be considered to ensure that the sight lines and view angles of the subject parcel and adjacent parcel are not unduly obstructed by the height of the building.
- (b) The height of a building shall be in proportion with the principal and accessory buildings on immediately adjacent parcels as well as in keeping with the surrounding area.
- (c) The fire safety provisions of the Alberta Safety Codes Act and regulations thereto, as may be amended from time to time, and the capacity and availability of fire fighting equipment and personnel.

(9) Design, Character and Appearance of Buildings

The design, siting, external finish, architectural appearance and landscaping generally, of all buildings, including any accessory buildings or structures and signs, and any reconstruction, shall all be to the satisfaction of the Development Authority, so there is conformity with adjacent buildings, and adequate protection afforded to the amenities of adjacent properties. As a condition of a development permit, the Development Authority may require a letter of guarantee or an irrevocable letter of credit in order to secure compliance with any requirements imposed.

(10) Other Provisions

- (a) No activity may be undertaken that would, in the opinion of the Development Authority, unduly interfere with the amenities or materially interfere with or affect the use, enjoyment or value of neighbouring properties by reason of noise, smoke, steam, odour, glare, dust, vibration, refuse matter or other noxious emissions or containment of hazardous materials.

- (b) To determine if the subject land is suitable for and can physically support/sustain the proposed use or development in question, the Development Authority may require, before accepting an application as complete, any geotechnical analysis or any other engineering, environmental or technical assessment/information it considers necessary to properly evaluate the application. The Development Authority will ensure that the analysis/assessment/information they require is prepared/substantiated by qualified persons licensed to practice in the Province of Alberta.
- (c) To the level of detail determined by the Development Authority, applicants shall fully disclose the precise nature and extent of the proposed use, subdivision and/or development, including intended hours of operation, so that their applications can be thoroughly evaluated in accordance with this land use district.
- (d) Upon receipt of a completed application, the Development Authority may, prior to making a decision, refer the application to any municipal department or any other external agency for comment and may require a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to any existing/proposed building or other improvement that is the subject of the application.
- (e) The Development Authority may:
 - i) as a condition of approval, require that the applicant enter into a development agreement with the County pursuant to the Municipal Government Act. To ensure compliance with the conditions in the agreement, the County may be protected by caveat registered in favour of the Town;
 - ii) as a condition of approval, require financial guarantees, in a form and an amount acceptable to the Town, from the applicant to secure performance of any of the conditions of the approval; and/or,
 - iii) revoke an approval in the case where satisfactory arrangements have not been made by a developer for the supply of water, disposal of sewage and road access, or any of them.

- (f) In the case of new construction, the Development Authority shall require, as a condition of approval, that a Surveyor's Certificate or Real Property Report, signed by an Alberta Land Surveyor, relating to the building(s) that is (are) the subject of the development permit application, be submitted by the owner/developer upon completion of the building foundation and prior to commencement of framing or further structural construction to ensure that the building(s) is (are) sited according to the provisions of the development permit and any other relevant provisions of the Bylaw.
- (g) The Development Authority may stipulate the times of the day or week during which an approved use or development may operate as well as the length of time its approval remains in effect.
- (h) As a condition of approval, the Development Authority may require that an approved use or development be screened from public thoroughfares and adjacent residential uses by a solid wall, fence or other means in a manner and to a height satisfactory to them.
- (i) The Development Authority may issue a temporary development permit where the Development Authority is of the opinion that the proposed use is of a temporary nature.
- (j) If at any time, in the opinion of Development Authority, any of the provisions of this land use district have not been complied with, the Development Authority may utilize the enforcement mechanisms available under the Municipal Government Act.
- (k) Unless contrary to any provisions of this land use district or the North 41 Gateway Area Structure Plan to which this land use district is tied, or if this land use district or the North 41 Gateway Area Structure Plan to which this district is tied already specifies provisions, in which case, this land use district and the North 41 Gateway Area Structure Plan to which this district is tied shall prevail, all other provisions in the Land Use Bylaw shall apply.

2. Should any provision of this Bylaw be determined to be invalid, then such provisions shall be severed and the remaining Bylaw shall be maintained.
3. That this Bylaw becomes effective upon the date of the final passing thereof.

Read a first time this _____ day of _____, 2010

Public Hearing Held on the _____ day of _____, 2010 held at

Read a second time this _____ day of _____, 2010

Read a third time and finally passed, this _____ day of _____, 2010

Reeve

County Administrator

Appendix Four
(attached for information only)

Property Appearance Provisions

PROPERTY APPEARANCE PROVISIONS

1. PURPOSE

To establish a positive visual impression of highway corridors and other major roads by:

- ✓ *Providing greenery and seasonal colour to visually soften paved areas and buildings;*
- ✓ *Preserving existing vegetation wherever possible;*
- ✓ *Screening unsightly equipment or materials from the view of the highway, adjacent roadways or adjoining properties; and,*
- ✓ *Enhancing the quality and appearance of developed properties within the applicable area.*

2. APPLICATION

2.1 These provisions apply to the development or redevelopment of all lands designated/districted for industrial or commercial purposes within 300 m of the right-of-way and visible from Highway 41 as well as the following Township Roads

2.2 These provisions are to be applied as a condition of development approval.

2.3 These provisions apply to all new development as well as the redevelopment of any existing buildings and facilities.

2.4 Wherever possible, trees existing on the site shall be preserved and protected or replaced. Notwithstanding the status of existing vegetation, landscaping of the site shall be subject to these provisions.

2.5 Where these provisions conflict with other similar provisions, the more stringent provisions shall take precedence.

3. GENERAL

3.1 All applications for development permits shall be accompanied by a landscaping plan to the satisfaction of the Development Authority in accordance with these provisions.

3.2 The landscaping plan shall include the following:

- (a) Boundaries and dimensions of the subject site;
- (b) Location of all the buildings, parking areas, driveways and entrances;
- (c) Location of all exterior lights on the site and their projected light patterns in relation to adjacent public roadways and developments;
- (d) Location of existing plant materials to be retained;
- (e) Location of new plant materials;
- (f) Plant material list identifying the name, quantity and size of plant material;
- (g) All other physical features, existing or proposed, including berms, walls, fences, outdoor furniture, lighting and decorative paving; and,
- (h) A location plan showing the proposed development and landscaping relative to the landscaping and improvements on adjacent properties.

3.3 The owner of the property, or his/her successor or assignees, shall be responsible for landscaping and proper maintenance. As a condition of a development permit, an irrevocable letter of credit may be required, up to a value of the estimated cost of the proposed landscaping/planting to ensure that such landscaping/planting is carried out with reasonable diligence. The conditions of the security being that:

- (a) If the landscaping is not completed in accordance with these provisions and the landscaping plan within one year after occupying the building or site, then the security shall be used to complete the approved landscape development; and,
- (b) If the landscaping does not survive a two (2) year maintenance period, the applicant must replace it with a similar type of species and with a similar caliper width or forfeit the portion of the amount fixed equal to the cost of replacing the affected landscaping materials. The letter of credit will be released when the landscaping and other improvements have been completed to the satisfaction of the Development Authority and the two-year maintenance period has expired.

4. PLANTING STANDARDS

4.1 All required yards on the site shall be landscaped in accordance with the approved landscaping plan.

- 4.2 To provide year round colour and interest, a tree mix of approximately 50% coniferous and 50% deciduous, shall be provided.
- 4.3 Fifty percent of required deciduous trees shall be at least 50 mm (2.4 in) caliper and 50% shall be a minimum of 75 mm (3.0 in) caliper above the root ball.
- 4.4 Seven five percent of coniferous trees shall be a minimum of 2.0m (6.6 ft) in height and 25% shall be minimum of 3.5m (11.5 ft) in height above the root ball.
- 4.5 Trees or shrubs shall be provided in accordance with this Section. The number is determined on the basis of the following:
 - (a) One (1) tree for every 46.0 m² (500 ft²) and one (1) shrub for each 23 m² (250 ft²) of any required yard or setback;
 - (b) One (1) tree for each 23.0 m² (250 ft²) and one (1) shrub for each 9.0 m² (100 ft²) of required parking area islands. In no case shall there be less than one tree per required parking area island.
- 4.6 Trees or shrubs should be clustered or arranged in planting beds within the site.
- 4.7 Trees and shrubs shall be evenly placed at regular intervals when used for screening of adjacent development.
- 4.8 As required by the Development Authority, all required yards and all open spaces on the site excluding parking areas, driveways, and outdoor storage and service areas shall be landscaped in accordance with the approved landscaping plan.
- 4.9 Planting beds should consist of a mix of coniferous and deciduous trees and shrubs in a mulched medium such as bark chips, rocks, or similar materials. Mulch shall not be used as a substitute for plant materials.
- 4.10 As required by the Development Authority, the undeveloped portion of the site, excluding parking areas, driveways, outdoor storage and service areas must be graded, contoured and seeded.
- 4.11 Plant species appropriate for the climatic zone of the area shall be used.

5. LANDSCAPE ISLANDS WITHIN PARKING AREAS

- 5.1 Landscape islands shall be required within at-grade parking areas of twenty-five (25) or more stalls. These islands shall be landscaped in accordance with Section 4 - Planting Standards.

- 5.2 Parking islands shall be placed to provide visual relief and to organize large areas of parking into smaller cells. The number of islands provided shall be to the satisfaction of the Development Authority.

6. ADDITIONAL APPEARANCE PROVISIONS

- 6.1 The Development Authority may require the application of additional appearance provisions if, in the opinion of the Development Authority:

- (a) There is a likelihood that the proposed development will generate undesirable impacts on surrounding sites, such as poor appearance, excessive noise, light, odours, traffic, litter, or dust;
- (b) There is a likelihood that undesirable impacts may be generated on the site, and cause conflicts with other businesses within the development;

- 6.2 The additional appearance provisions that may be required at the discretion of the Development Authority may include, but are not limited to, the following:

- (a) Additional separation space between incompatible use classes;
- (b) The use of trees, shrubs, opaque fences, walls, and berms to buffer or screen uses of negative impact;
- (c) The use of trees, shrubs, planting beds, street furniture and surface treatments to enhance the appearance of a proposed development.

7. SIGNS

- 7.1 It is preferred that signs only identify on-site developments or facilities only. Signs advertising off-premises developments or facilities (billboards) are not encouraged within the applicable area. The use of building facades as billboards is also not encouraged.

- 7.2 Where more than one business occupies a building, additional signage should be located in accordance with a comprehensive signage package prepared for the building, and submitted as part of the required landscape plan.

- 7.3 One freestanding identification sign per lot shall be allowed not exceeding 9.0 m (30.0 ft) in height with no dimension exceeding 4.5 m (15.0 ft)

- 7.4 Illuminated freestanding signs shall not exceed 7.6 m (25.0 ft) in height.

7.5 Moving or animated signs and electronic message boards that may distract traffic are not permitted within the applicable area.

8. LIGHTING

8.1 Outdoor lighting provided for security, display or attraction purposes for any development shall be arranged so that no direct rays of light are directed at any adjoining site or interfere with adjacent traffic, and shall comply with the following provisions:

- (a) No light structure shall exceed a height of 7.6 m (25.0 ft);
- (b) The applicant may be required to provide a plan indicating the location of all exterior lights, including the projected light patterns in relation to adjacent roads and developments; and,
- (c) No flashing or strobe, or revolving lights, which may impact the safety of motorists shall be installed on any structure or site.

9. ACCESS

9.1 Vehicular entrances and exits, as well as on-site pedestrian and vehicular routes shall be designed in a manner that provides a safe and clearly defined circulation pattern.

9.2 Loading bays shall be located in such a manner as to not impede the efficient flow of traffic and pedestrian movement and to minimize impacts on adjacent land uses.

9.3 To provide opportunities for convenient and free flowing traffic movements between lots development on adjoining lots may be integrated by direct on site access connections.

10. ARCHITECTURAL FEATURES

10.1 All buildings on a lot should follow the same theme and exhibit a high standard of appearance. Exceptions may be made to accommodate corporate images.

10.2 Rooflines and facades of large buildings where walls are in excess of 33.0 m (100 ft) in length shall be designed to reduce the perceived mass by the inclusion of design elements such as arches, columns or gables with exterior finish materials composed of predominantly muted colours.

10.3 Mechanical equipment (including rooftop mechanical equipment) shall be screened from view. Screening shall be compatible with the theme and character of the site.

10.4 All waste collection areas, visible from the corridor shall be screened. Screening shall take the form of berming, landscaping or solid fencing or any combination of the foregoing.

11. SETBACKS

11.1 Development setbacks need to be established that will allow the elements of these provisions to be accommodated properly on the site. They need to be taken into consideration as part of a Conceptual Scheme or Area Structure Plan or at the time of subdivision or development.