

Bylaw 2013-51
Municipal Development Plan



The County

of
ST. PAUL NO. 19



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PART 1 - INTRODUCTION

1.1 TITLE AND AUTHORITY

This document constitutes the Municipal Development Plan for the County of St. Paul No. 19, and has been prepared in accordance with Section 632 of the Municipal Government Act.

1.2 SCOPE

The policies of this Plan shall apply to all lands within the limits of the County of St. Paul No. 19 and no development shall be carried out that is contrary to the Plan policies.

1.3 PURPOSE

This Plan outlines how and where land can be developed in the County. It is required by the Government of Alberta under the Municipal Government Act and must address:

- (1) Future land use and growth areas of the County;
- (2) The process of how land is developed;
- (3) The transportation network within the County; and
- (4) The delivery of municipal services.

1.4 IMPLEMENTATION OF THE MUNICIPAL DEVELOPMENT PLAN

The policies stated within the Municipal Development Plan are implemented by Council through the adoption of the Land Use Bylaw:

The Municipal Development Plan comprises objectives, policies and guidelines. Objectives are goals which the County wants to achieve. Policies are statements which determine how decisions will be made in the future, that is, policies express current positions on future decisions. There are three kinds of policies in the Municipal Development Plan: regulatory policies, implementation policies and advocacy policies.

Regulatory policies deal with the control and management of land and resource use over which a municipality has direct jurisdiction. Implementation policies identify specific actions needed to achieve objectives desired by a municipality. Advocacy policies express the position of a municipality on matters which are beyond its direct jurisdiction, but which may affect its operations. Policies may be expressed in broad, general terms, or they may be quite detailed and specific to address the particular circumstances and issues being considered. Guidelines are an outline of policy by government or other agencies. Guidelines are not legislated but have been adopted by the governing/generating agency.

1.5 LAND USE GOALS

The land use goal of the County of St. Paul No. 19 is:

- a) To encourage environmentally sound, sustainable agricultural and other forms of economic development, especially rural-based economic development such as oil and gas utilization; and
- b) To encourage environmentally sound and sensitive recreational and lake-oriented country residential development,
- c) While conserving and enhancing the County's agricultural land base, and
- d) While limiting the obligation of the County to establish or expand communal water supply and sewage disposal services beyond what already exists.

The County will provide leadership and direction in the following areas:

1. Conservation of agricultural land and encouragement of diversity and growth in the agricultural and agricultural service areas;
2. Encouragement of environmentally sound development, and economic diversification resulting from that land use.
3. Encouragement of environmentally sound country residential development which will not put a strain on the County's services; and
4. Provision of the infrastructure necessary to encourage sustainable, environmentally sound economic development.

1.6 DEFINITIONS

For the purposes of this Municipal Development Plan:

- (1) **"agricultural land"** means the land upon which an agricultural operation operates;
- (2) **"agricultural operation"** means an agricultural operation as defined in the Agricultural Operation Practices Act, but does not include a confined feeding operation;
- (3) **"agricultural service centre"** means a business which provides non-industrial, agriculturally-oriented services to the rural community;
- (4) **"business park"** means a comprehensively planned subdivision developed for the establishment of commercial and industrial uses in accordance with Municipal requirements;
- (5) **"community areas"** are areas surrounding unincorporated centres that are primarily residential communities which provide important social and commercial functions to the rural community;

- (6) **“country residential development”** means the use of a relatively small lot, principally as a site for a single detached dwelling or manufactured home, where permitted on agricultural land and in respect of which the Land Use Bylaw may allow other accessory uses of the dwelling or the lot to be made;
- (7) **“hazard lands”** are lands that are subject to flooding or are in the opinion of the Development Authority to be unstable such as eroded shorelines or unstable slopes. These lands are also referenced as environmental reserves;
- (8) **“multi-lot residential subdivision”** means more than four (4) lots within a quarter section;
- (9) **“natural resource extraction and processing”** means oil and gas facilities, sand and gravel operations and logging operations;
- (10) **“urban fringe”** shall mean those lands surrounding a Town that will be protected for its future growth;

PART 2 – OBJECTIVES AND POLICIES

2.1 AGRICULTURE

Objectives

1. To ensure that agriculture remains an integral and viable component of the regional economy by maintaining a significant agricultural land base; and
2. To minimize conflicts between agricultural land and non-agricultural land users.

Policies

1. All lands in the County are deemed to be agricultural land, unless they have been designated by bylaw for other uses.
2. The County recognizes the right to farm and encourages agricultural operations in all areas of the County.
3. The subdivision of fragmented parcels shall be allowed. Where the fragmented parcel is 8 ha (20 acres) or more in size, it shall be considered an agricultural parcel. Where the fragmented parcel is less than 8 ha (20 acres) in size, it shall be considered a residential parcel.
4. As a condition of subdivision approval, all newly created parcels will be required to provide physical access to a developed County road.
5. On agricultural lands, a wide range of uses may occur provided that such uses do not negatively impact other surrounding uses.
6. Where agricultural land is taken for roads, rail lines, pipelines or other transmission lines, the County shall endorse only those proposals which minimize the fragmentation of agricultural land.
7. The Natural Resources Conservation Board (NRCB) and approval officers appointed by that Board have jurisdiction over certain confined feeding operations (CFOs) and manure storage facilities in that they require a registration, an approval, or an authorization under the Agricultural Operation Practices Act (AOPA).
8. The County shall provide input to the NRCB in responding to applications for new or expanded CFOs based on the technical and location merits of each application.
9. Applications to the NRCB for the establishment of new or expansion of existing CFOs shall be supported by the County if they:
 - a. Are outside of the lands identified within the St. Paul and Elk Point Inter-municipal Development Plans;
 - b. Are 1.6 km (1.0 miles) from any multi-lot country residential area
 - c. Are 0.8 km (0.5 miles) from the Summer Village of Horseshoe Bay or the designated Community Areas other than St. Vincent.

2.2 RESIDENTIAL

Objectives

1. To encourage multi-lot country residential development adjacent to the lakes in the County that is sensitive to the natural environment and, once the Province has determined a method for determining lake capacity, the development capacity of the lakes;
2. To allow multi-lot country residential development in other areas of the County that does not interfere with agricultural land uses or the industrial and commercial businesses operating in the County;
3. To limit the costs of providing municipal and utility services to country residential development;
4. To maintain options for future land use decisions;
5. To avoid conflicts between agricultural land and non-agricultural land uses;
6. To discourage development in areas which are susceptible to flooding or groundwater contamination;
7. To limit development in hazardous areas adjacent to lakes and river banks; and
8. To provide a certain level of developmental certainty in country residential areas.

Policies

1. The County allows for the creation of up to 4 residential parcels per quarter section within the Agriculture district. The total amount of land taken by residential subdivisions on a quarter section shall not exceed 20 acres within the Agriculture district.
 - a. **Notwithstanding the above, 1 parcel, not exceeding 32 acres in size, may be subdivided from NE 34-58-10-W4M for residential purposes. (Bylaw 2019-12)**
2. Where a subdivision for country residential purposes is proposed, the developer shall be required to enter into a development agreement with the County wherein the developer agrees to be responsible for all the costs associated with the subdivision.
3. All country residential parcels shall have direct access to existing graded and graveled or paved roads. Such access shall be provided by the developer of a country residential parcel to the County's standards, or the developer shall pay the County for the installation of such access by the County.
4. Buffers or setbacks shall be maintained between country residential development and adjacent uses which may be incompatible for any reason.
5. Country residential development may not be allowed within:
 - a. the urban fringe of a town unless permitted within an approved inter-municipal development plan;
 - b. the setback area of an active or non-operating sanitary landfill and wastewater treatment plan in accordance with the Subdivision and Development Regulation;
 - c. the distance established by the *Minimum Distance Separation* formula contained within the Regulations adopted under the AOPA from a confined feeding operation;

- d. 800 metres of a highway, unless accommodated in an approved Area Structure Plan or approved by the department;
 - e. the setback area of existing sand and gravel extraction sites in accordance with provincial guidelines;
 - f. the setback area of sour gas facilities in accordance with Energy Resources Conservation Board guidelines, or other potentially hazardous industrial businesses;
 - g. within a 1 in 100 year flood plain; and
 - h. adjacent to river banks, unless the banks are certified as being stable by an engineer prior to development and the land owner takes all responsibility for the impact of any bank instability currently or in the future.
6. Country residential development will be cognizant of the need to preserve critical wildlife habitat, resource extraction and processing, recreation, and historical and archaeological features.
 7. Country residential development will be prohibited in those areas which are too close to sour gas facilities, in accordance with Provincial legislation and regulations.

Residential Subdivisions – Multi Lots

8. A multi-lot residential subdivision shall be considered to be any subdivision which will result in the creation of more than a total of five parcels on a quarter section.
9. Multi-lot residential subdivisions will be encouraged to locate:
 - a. In close proximity to lakes or other natural amenities or existing urban service areas; and
 - b. Along designated collector roads to prevent increased traffic and minimize conflict with nearby or adjacent agricultural land.
10. Multi-lot subdivisions must be designed so that each lot can be serviced with either on-site or communal water and sanitary services.
11. The design of multi-lot subdivisions shall include elements that provide for emergency vehicle access.
12. The location and design of multi-lot subdivisions shall take into account existing and proposed local roads and Provincial highway network.
13. Multi-lot subdivisions shall be required to prepare an area structure plan/outline plan, detailing the proposed development, standards of servicing, transportation layout, storm water management and other details as deemed necessary by the County.

Community Areas

14. Further development in the growth hamlets of Ashmont, Mallaig and Lottie Lake may be considered provided such expansion can be supported by municipal water and wastewater services.
15. The infilling and redevelopment of sites shall be considered in other community areas provided such development can be sustained by on-site water and wastewater services.
16. The County shall allow, through provisions in the Land Use Bylaw, for a range of industrial and commercial uses compatible with available infrastructure and the residential character and local service role of individual hamlets.

2.3 COMMERCIAL AND INDUSTRIAL DEVELOPMENT

Objectives

1. To encourage new commercial and industrial businesses at appropriate locations.
2. To provide a diverse range of economic development and employment opportunities.

Policies

1. The County shall promote and encourage the development of value added agricultural service centre businesses within the County.
2. Home occupations and subsidiary farm occupations shall be supported, subject to an evaluation of their scope and impact on adjacent land uses and local infrastructure.
 - a.
3. Rural commercial and industrial businesses shall be controlled by the County Council through the process of Land Use Bylaw amendment to an appropriate Industrial or Commercial District.
4. In consideration of a proposal for a commercial or industrial development, an assessment of the proposed development may be required which:
 - a. precisely defines the boundaries of the proposal;
 - b. designates suitable building sites;
 - c. ensures the functional integrity of the adjacent roads is maintained through the use of service roads and/or limited access points;
 - d. defines standards of development which may include architectural, landscaping and sign controls;
 - e. identifies methods and facilities for servicing; and
 - f. includes groundwater and soil permeability.

Commercial Uses

5. Commercial uses may be allowed in the Community Areas only if they require limited services.
6. Highway commercial uses shall refer to those uses, primarily established adjacent to highways, which provide service requirements for the highway traveling public. Such uses would include service stations, bulk oil sales, restaurants, motels and campsites.

Industrial Uses

7. Lands needed for marshalling yards and laydown areas required to serve pipelines and/or oilfield companies shall be required to re-zone lands to Direct Control within the Land Use Bylaw.

2.4 RECREATIONAL AND INSTITUTIONAL

Objectives

1. To encourage institutional and recreational development in suitable locations;
2. To minimize conflicts between institutional development and existing or future land uses;
3. To obtain the lands necessary for park use through the subdivision process; and
4. To protect lands which are hazardous to development from development through the subdivision process.
5. To minimize any local government costs (including servicing and transportation) from institutional development.

Policies

Institutional Uses

1. Institutional uses shall be allowed as discretionary uses on agricultural land, but limited within the multi-lot country residential areas of the County.
2. Institutional uses in the Community Areas shall normally be allowed only if they require limited services.
3. In consideration of a proposal for an institutional development, an assessment of the proposed development may be required which:
 - a. precisely defines the boundaries of the proposal;
 - b. designates suitable building sites;
 - c. ensures the functional integrity of the adjacent roads is maintained through the use of service roads and/or limited access points;
 - d. defines standards of development which may include architectural, landscaping and sign controls;
 - e. identifies methods and facilities for servicing; and
 - f. includes groundwater and soil permeability tests.

Recreational Uses

4. Within the County, recreational uses such as campgrounds, day use areas, picnic sites, hiking and ski trails, and other similar uses as developed by either private or public interests may be allowed in all areas, provided that they do not interfere with agricultural operations, interfere with the amenities of an area, or interfere with resource extraction and processing industries.
5. Recreational Vehicle Parks and Campgrounds proposals which, in the opinion of Council, could have a significant impact on the community and environment, shall be controlled by the County Council through the process of Land Use Bylaw amendment to a specific Recreation Vehicle District in the Land Use Bylaw.

Municipal Reserves

6. As part of the subdivision process, municipal reserve shall be provided where required in accordance with an Area Structure Plan or conceptual scheme. If the reserve land is not required within a current phases but will be required in future phases, the reserve lands shall be deferred to the remnant parcel where the reserve lands are required in accordance with the Municipal Government Act.
7. Money in place of municipal reserve or deferral of reserve by caveat shall be required where a subdivision area does not have a detailed Area Structure Plan or conceptual scheme in place in accordance with the Municipal Government Act.
8. The value of land to calculate Municipal Reserves shall be determined by the County's assessor. If the applicant and the County cannot agree on the land value to determine the amount of cash-in-lieu of land for municipal reserves, the applicant shall 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 of the subdivision application.

2.5 TRANSPORTATION AND UTILITIES

Objectives

1. To minimize any negative impacts associated with the development of linear transportation, communication, or utility facilities and services;
2. To ensure that necessary facilities, utilities, or services associated with land use and development are provided and in place when required;
3. To ensure that land use and development in the vicinity of existing or proposed transportation, communication or utility facilities/services is regulated such that it does not interfere with their operation, upgrading or future expansion.
4. To ensure that municipal services and utilities are provided in an economical and efficient manner and are reflective of need, environmental constraints, land use considerations and existing infrastructure.

Policies

General

1. The County shall adhere to the policies and recommendations of the Transportation Master Plan as updated and amended from time to time.
2. The County shall support the coordination and integration of local, regional, intra-provincial and inter-provincial transportation networks and facilities;
3. All new roadways and municipal infrastructure shall be required to comply with the County's standards, as may be updated from time to time.
4. All municipal infrastructure systems, such as new roads, sewage collection, water distribution and stormwater management systems created as a result of private development, which may include dedication to the County or subdivision, shall only be assumed by the municipality if the system has been constructed or upgraded to a standard which is acceptable to the County and which meets or exceeds all appropriate Provincial standards.
5. The County shall continue to cooperate with neighbouring urban municipalities and the provincial government in the development of regional water supply and wastewater collection lines for the benefit of County residents and businesses.

Transportation Policies Specific for New Subdivisions and Developments

6. Developers may be required to provide a traffic impact assessment as part of a redistricting (zoning), subdivision or development application.
7. Where subdivisions are proposed along County roadways, the County shall ensure that:
 - a. The subdivision or development is adequately set back to accommodate future improvement or widening of the roadway;
 - b. Access is provided to an internal subdivision road or local road built to a standard acceptable to the County;

- c. Easements shall not be considered an appropriate means to provide legal access to subdivisions; and
 - i. Notwithstanding the above, legal access to the development on Lot 1, Block 2, Plan 1120579 may be created by way of access agreement. (Bylaw 2019-19)
- d. The noise impact on the occupants of any country residential development is minimized by noise attenuation or abatement methods, as deemed necessary by the County.

2.6 ENVIRONMENT AND FIRESMART PRACTICES

Objectives

1. To protect and preserve, whenever possible, existing natural areas.
2. To ensure that development does not unduly impact the natural environment.
3. To ensure that the natural environment does not jeopardize the health, safety, and quality of life of the citizens of the County.
4. Legislating FireSmart requirements for structural materials, infrastructure and vegetation management within the municipality.

Policies

Environment

1. The County shall ensure no development is allowed on hazard lands except for extensive agricultural uses, passive recreational uses, or interim resource extraction, approved on a site by site basis.
2. The County shall ensure that areas prone to flooding, shoreline erosion or slope instability hazards, are limited in the types of land uses and developments that may be allowed. Uses and developments must be consistent with the nature of the hazard and not cause an increase in the degree of hazard.
3. The County shall ensure that no permanent structures are allowed within the 1:100 year flood plain of the County's watercourses and lakes. Consideration may be given to non-residential developments, such as boat houses, proposed in the 1:100 year flood plain, subject to appropriate flood proofing and the proponent demonstrating to the municipality's satisfaction, the precise boundary of the flood plain.
4. The County may require an environmental assessment/audit to be carried out on a site that is the subject of a development proposal.
5. The County will require all development to adhere to environmental setbacks pursuant to the provisions as outlined within the Land Use Bylaw.
6. The County will utilize environmental reserve and environmental conservation easements as mechanisms to protect environmentally significant areas.
7. Through the subdivision process, the County shall require that lands considered unsuitable for development area dedicated as environmental reserve or environmental reserve easements pursuant to the provisions of the MGA.
8. When lands adjacent to lakes or watercourses are subdivided, a minimum 30 metre strip of land may be dedicated as environmental reserve or environmental reserve easement to provide a buffer and provide public access.
9. Lands dedicated as environmental reserve shall remain in their natural state and/or be used as part of the public trail system where necessary to ensure a continuous integrated trail system.

FireSmart

10. Where appropriate, new subdivision and development applications deemed to be in high risk or high hazard areas, shall submit a Wildfire Risk Assessment, prepared by a qualified FireSmart professional. Wildfire Risk Assessments will be the landowners's responsibility and will include an evaluation of current and proposed FireSmart hazard and recommended FireSmart mitigative measures to be completed by the developer in conjunction with subdivision construction.

2.7 INTER-MUNICIPAL COOPERATION**Objectives**

1. To undertake cooperative planning with the Towns of Elk Point and St. Paul.
2. To coordinate land use policies for the boundary areas which are mutually beneficial to both the Towns and the County.
3. To coordinate the provision of roads, facilities, and other services that serve residents of both municipalities.

Policies

1. The County will continue to support the Inter-municipal Development Plans of both St. Paul and Elk Point to address issues of mutual concern and to ensure that development in either municipality complements the existing and future land uses of the other municipality.
2. The County will endeavour to ensure that development adjacent to highways meet prescribed exterior design requirements for commercial and industrial business buildings, through its Land Use Bylaw and as prescribed within the Elk Point Inter-municipal Development Plan.
3. The County will discourage, whenever possible, development or uses that may have a negative impact on adjacent uses in St. Paul and Elk Point.

PART 3 – ADMINISTRATIVE MATTERS

3.1 ADMINISTRATION

Interpretation

1. The MDP is, for the most part, general in nature and long range in its outlook. The MDP provides the means whereby Council and County staff can evaluate immediate situations or proposals in the context of a long range plan for the County.
2. Subject to Council's approval, minor variations from the policies of the MDP will not require an amendment to the MDP. More substantive changes will require an amendment to the MDP and any other affected plan.
3. The MDP contains "shall", "should", and "may" policies which are interpreted as follows:
 - a. "Shall" policies must be complied with,
 - b. "Should" policies mean compliance in principle, but is subject to the discretion of the applicable authority on a case by case basis, and
 - c. "May" policies indicate that the applicable authority determines the level of compliance that is required.

Implementation

4. The municipality will review all current area structure plans to ensure that they are consistent with its goals and policies.
5. The goals and policies of the MDP will be further refined and implemented through the development, adoption, and day to day application of statutory plans (area structure plans and area redevelopment plans), non statutory plans (outline plans, design schemes, etc.) and the Land Use Bylaw.
6. The County desires to increase public involvement in planning and development decisions in order to result in more informed decisions, greater public understanding, acceptance and more enduring solutions.
 - a. Prior to the County giving first reading to a proposed amendment to the Municipal Development Plan, new or amendments to Area Structure Plans and Area Redevelopment Plans, and redistricting (zoning) applications, Developers will be required to undertake "Public Consultation" in support of the proposed amendments.
 - b. Public Consultation is to be undertaken in one of two formats:
 - i. A Public Meeting means a method of public consultation that involves a formal presentation by the organizer on the issues and options. Members of the public are able to ask questions and provide input in a public forum, and a record of the proceedings is kept.
 - ii. An Open House is a method of public consultation that involves a formal session with displays or other information available for participants to review. The Developer is

available to answer questions the public may have. A feedback form or survey is used to record public comments, and a sign-in sheet for names of attendees is required.

c. Notification requirements include the following:

Type of Application	Notification Requirements and Distance
Amendment to Municipal Development Plan	<ul style="list-style-type: none"> All Citizens (newspaper ads) Neighbouring municipalities, school authorities, Alberta Transportation, Alberta Environment and Sustainable Resource Development (mailed notices)
New or Amendments to Area Structure Plans New or Amendments to Area Redevelopment Plans	<ul style="list-style-type: none"> All Citizens (newspaper ads) Neighbouring Municipalities (if adjacent to ASP/ARP area), School Authorities, Alberta Environment and Sustainable Resource Development and Alberta Transportation (mailed notices and full ASP/ARP) Landowners within 800 m of the site (mailed notices)
Redistricting	<ul style="list-style-type: none"> Landowners within 800 m (mailed notices)

- d. A minimum of two opportunities for Public Consultation, coordinated by the Developer, shall be required for Area Structure Plans and Area Redevelopment Plans initiated by the Developer.
- e. A minimum of one opportunity for Public Consultation, coordinated by the Developer, shall be required for redistricting (zoning) applications.
- f. Each opportunity for Public Consultation requires the Developer to provide either a written record of the Public Meeting and/or copies of the comment forms by participants in an Open House, and a written report outlining issues raised at the consultation and how the Developer intends to address each.

Amendment

7. Amendment of the MDP must follow the appropriate procedures as outlined in the Municipal Government Act.
8. All statutory and non-statutory plans shall be consistent with the MDP and may require amendment to ensure their compliance with the MDP.

Review

9. The Alberta Land Stewardship Act mandates that the North Saskatchewan Regional Plan will prevail to the extent of any conflict or inconsistency between the regional plan and statutory plan. Upon approval of the North Saskatchewan Regional Plan, the County shall review the MDP to ensure that there are no conflicts or inconsistencies.
10. In order to ensure that the MDP is current, the entire plan should be reviewed approximately every seven to ten years, however each Council should review the document shortly after each election to ensure that Councillors are aware of County land use policy.

Adoption

COUNTY OF ST. PAUL NO. 19
MUNICIPAL DEVELOPMENT PLAN
BYLAW NO. 2013-10

WHEREAS the Municipal Government Act, R.S.A. 2000, as amended authorizes a municipality to adopt a Municipal Development Plan; and

WHEREAS a new Municipal Development Plan has been prepared under the direction of Council; and

NOW THEREFORE the Council of the County of St. Paul, duly assembled, enacts as follows:

1. THAT the County of St. Paul No. 19 Municipal Development Plan, being Schedule "A" attached hereto, is hereby adopted.
2. THAT Bylaw No. 2013-10 dated May 14, 2013 adopting the previous Municipal Development Plan is hereby repealed.

READ A FIRST TIME THIS 10th DAY OF DECEMBER 2013.

READ A SECOND TIME THIS 14th DAY OF JANUARY, 2014.

READ A THIRD TIME AND FINALLY PASSED THIS 14th DAY OF JANUARY, 2014.

(Original Signed By Steve Upham)

REEVE

(Original Signed By Sheila Kitz)

CHIEF ADMINISTRATIVE OFFICER

PART 4 – MAPPING

4.1 MDP MAP