

Country Residential

AREA STRUCTURE PLAN

Attached is information from our Land Use Bylaw and Municipal Development Plan relating to Area Structure Plans for residential development in Lamont County. While these excerpts provide the reader with a sound understanding of the expectations, it does not address each and every requirement or policy. Please refer to the Municipal Development Plan 674/07, Land Use Bylaw 675/07 and the Alberta's Industrial Heartland Area Structure Plan.

General Statement

Area Structure Plans shall be required in areas where future layout of land uses for country residential development has not been determined by Council.

Area Structure Plans shall be prepared in Bylaw format with all contents clearly indexed for easy reference and future amendments, together with supporting maps, charts and illustrations.

Area Structure Plan applicants shall be required to submit proposed public information programs, including exact approaches and steps to be taken, for council approval, and the applicants shall be responsible for carrying out the approved public information programs.

Unless otherwise determined by council, Area Structure Plans shall contain adequate discussions and policies in the following areas:

- Environmental and physical site analysis
- Natural and man-made constraints on development
- Existing and planned land uses
- Planned population levels and densities
- Existing and future land uses and population densities in surrounding areas
- Transportation systems including all roads, transit routes and pedestrian passages
- Trunk public utility and servicing systems including capacity locations and design parameters
- Urban design and landscape guidelines
- Development phase
- Conformance with the Municipal Development Plan and Land Use Bylaw

An **Application** for Area Structure Plan Approval/Area Structure Plan Amendment Approval must be completed and forms part of this communiqué. An Application for Subdivision will also be required. Subdivision applications and related processes are provided to Lamont County by a third party provider: Municipal Planning Services (Alberta) Ltd. Please visit their website at www.munplan.ab.ca

Please note: This information has no legal status and cannot be used as an official interpretation of the various regulations currently in effect. Users are advised to contact Municipal Planning Services (Alberta) Ltd. (780)486-1991 or the County Planning Department (780)895-2233 for more information. Lamont County accepts no responsibility for persons relying solely on this information.

Excerpts from

LAMONT COUNTY

MUNICIPAL DEVELOPMENT PLAN

BYLAW 674/07

**related to Country Residential Development
and Area Structure Plan requirements.**

Schedule "A"

September 11, 2007

3. RESIDENTIAL DEVELOPMENT IN THE AGRICULTURAL USE AREA

Residential development in this instance includes farmsteads (when subdivided from the farm), vacant residential parcels, and multi-lot residential subdivisions.

Council feels that residential development in the agricultural use area can provide a desirable lifestyle for people wishing to reside in a rural area. Council plans to allow for country living in a limited way by maintaining a degree of control on the location and number of developments. The Plan is designed to minimize any adverse effects which residential development may create in the agricultural use area.

Goal

To allow for a limited degree of residential development while still ensuring that predominantly agricultural areas are unencumbered by such subdivisions.

Objectives

- (a) To minimize the amount of higher capability agricultural land used for residences.
- (b) To minimize municipal servicing costs associated with residential development in the agricultural use area.
- (c) To ensure that residential development in the agricultural use area is compatible with surrounding land uses and has a minimum impact on the environment.
- (d) To ensure that the development of residences in the agricultural use area occurs at a rate that does not exceed the County's capacity to serve the residents.

Policies

Development Agreement

- 3.5 Where a subdivision for residential purposes is allowed in the Agricultural Use area, the developer may be required to enter into a development agreement with the County within which the developer agrees to be responsible for all the costs associated with the development of the subdivision.

Roadways

- 3.6 Subdivision for residential purposes in the Agricultural Use area shall not be allowed where access to graded and graveled or paved roads in good condition does not exist, or where construction of a roadway and access to then-current County standards to the site is not undertaken by the landowner/developer.

Individual Lot Access

- 3.7 Residential parcels shall have direct access to roads or highways.

Siting of Residential Parcels

- 3.8 Residential parcels should not be allowed on lands situated closer than:
- (a) such distances from the boundary of land containing an extractive industry, potentially noxious industry and other developments uses detrimental to residential development as deemed by the County;
 - (b) the distances from the boundary of parcels containing a sewage treatment plant or lagoon or solid waste disposal site as specified by the appropriate guidelines or authority;
 - (c) the minimum distance separation from the facilities of an approved or proposed confined feeding operation which requires a registration or an approval under the Agricultural Operation Practices Act; and
 - (d) in the case of sour gas, a distance in conformity with residential subdivision restrictions of the Alberta Energy and Utilities Board.

Development Near Lakes

- 3.9 Residential development in the Agricultural Use Area within 1.6 km (1 mile) of a lake shall be subject to any controls the County deems necessary to provide that the development will be compatible with the lake environment.

General

- 3.10 Residential development in the Agricultural Use Area will be designed to preserve resource extraction, recreation, historical, and archaeological features. It is the County's policy that the effect a residential development in the Agricultural Use area may have on the environment will be an important consideration in dealing with residential development proposals within the Agricultural Use Area. The County may consider the recommendations of the Beaver Hills Initiative in the consideration of residential development within the area identified as sensitive by the Beaver Hills Initiative.

Multi-lot Country Residential Development

- 3.11 Multi-lot residential development (multi-lot country residential development) shall be allowed in the Agricultural Use Area, subject to the policies below.
- 3.12 The County will encourage multi-lot country residential development to be located on lower capability agricultural land and not on higher capability agricultural land.
- 3.13 - 3.14 *Not relevant – deals with fragmentations*
- 3.15 Other than as indicated in Policy 3.13, multi-lot country residential development shall be allowed only after amendment to the Land Use Bylaw, placing the lands where such development may occur into an appropriate Country Residential District.
- 3.16 The County shall require an Area Structure Plan be prepared and approved prior to the approval of any amendment to the Land Use Bylaw to allow a multi-lot country residential subdivision where the land being proposed for development is 8.1 ha (20 ac.)

or greater in size, except that the County may require the preparation of a conceptual plan or outline plan if:

- (a) the preparation of an Area Structure Plan is considered by the County to be impractical or inappropriate given the small scale of the lands proposed for development or the fragmentation of the quarter section in which the development is located, or
- (b) the subject lands are less than 8.1 ha (20 ac.) in size.

3.17 The County shall ensure that new multi-lot country residential developments adhere to the following conservation design-based principles:

- (a) The ecology of the subject site must be considered. Environmentally sensitive lands should be left undisturbed wherever possible, but incorporated into the overall development. Wildlife corridors or connections between habitat areas should be maintained wherever possible,
- (b) Development will be directed to lands that are deemed by the County to be of lesser environmental significance.
- (c) The natural landscape and topography should be considered and incorporated into the overall design of the development.

3.18 The County shall abide by the following policies in dealing with multi-lot country residential development applications and designs:

- (a) Internal road access shall be provided to each lot.
- (b) No more than 50 lots shall be allowed per quarter section.
- (c) No new parcel shall be created that is smaller than the smallest existing parcel within the subdivision within which the proposed parcel is located in order to ensure that an established character of the development is maintained.
- (d) A detailed, site specific, biophysical assessment of the site, prepared by qualified professionals on behalf of the proponent, will be provided with every multi-lot country residential Area Structure Plan proposal in order to allow the County to assess the proposed development. The assessment shall indicate:
 - (i) an inventory of the biophysical assets of the subject site,
 - (ii) how Environmental Reserves, Environmental Reserve Easements, Municipal Reserves, and other land management tools are to be used to protect significant biophysical sites,
 - (iii) how development is to be directed and contained within previously cleared or disturbed areas or areas of low biophysical significance,
 - (iv) how habitat linkages are to be maintained, and
 - (v) how all Provincial and Federal legislation and regulations are to be adhered to respecting wetlands, habitat, and environmentally sensitive lands.
- (e) Subdivision proposals shall indicate the location of development areas within lots as well as the natural areas on the lots.

3.19 The County shall ensure that multi-lot country residential Area Structure Plan, redistricting, and subdivision proposals address potential conflicts with existing agricultural operations and how they will be resolved or mitigated.

- 3.20 The County shall require the proponent of a multi-lot country residential development to identify all municipal servicing costs associated with the development. The assignment of these costs between the County and the developer will be the basis of an agreement to be entered into prior to a subdivision approval or upon the issuance of a development permit. Normally, however, all development servicing costs associated with the development, including the provision of internal roadway systems to a high standard and the upgrading of other County roads leading to the site in order to provide good access to the residential site will be carried by the proponent.

Agricultural Interference

- 3.21 Within the Agricultural Use area, agricultural operations may, from time to time, be considered by residential landowners to interfere with their residential lifestyle. Bearing in mind the County's predominant policy to preserve and protect the agricultural community within the County, the County shall develop and implement a public information strategy to identify those factors which may lead to conflict between agricultural and residential uses, mitigate those factors where possible, and indicate to residential landowners that the agricultural operations which follow normal farming practices shall have precedence within the County.

5. RECREATION, OPEN SPACE AND RESERVES

Recreation

Currently Lamont County does not have many recreational opportunities and residents utilize the facilities in nearby Towns and Villages. The County cooperates with the Towns and Villages within its boundaries on recreational ventures. Council would like to encourage increased recreational development in the County, particularly non-facility oriented activities which are compatible with the rural environment.

Open Space

In certain instances, as outlined in the Municipal Government Act, the subdivision process can involve the dedication of Reserve lands to the County. Depending on the circumstances, money may be taken by the County in lieu of Reserve dedication.

Environmentally sensitive land features require special attention when being considered for development. Such areas include lands subject to a flooding hazard, ravines, steep slopes, and areas subject to erosion. Council intends to have regard for these sensitive areas when making development decisions.

Goal

To develop a long term planning framework for public open space.

Objectives

- (a) To encourage the use of lower capability agricultural land for recreational development.
- (b) To encourage recreational development that is compatible with the capabilities and characteristics of the natural environment and surrounding land uses.
- (c) To ensure that high quality recreation resources are conserved.
- (d) To minimize conflicts between recreational activities and other land uses.
- (e) To minimize municipal costs associated with recreational development.
- (f) To ensure that the development capacity of environmentally sensitive or unique areas is not exceeded.

Outdoor Recreation

Policy

Recreation Facilities

5.1 Council shall encourage the development of public serving recreational facilities/uses within the Agricultural Use Area and within hamlets:

- (a) if they are compatible with the capabilities of a site or surrounding areas:

- (b) on lower capability agricultural lands, unless Council decides that the benefits to the community justify the use of higher capability agricultural lands;
- (c) near or adjacent to a lake or river if the proponent can demonstrate, to Council's satisfaction, that the proposal is compatible with the lake/river environment.

Recreation Development Criteria

- 5.2 Recreational development shall, in the County's opinion, not exceed the social and physical carrying capacity of the site to support such use.
- 5.3 The County shall require the proponent of a recreational activity to identify all municipal costs associated with the development. The assignment of these costs shall be the basis for an agreement to be entered into as a condition of subdivision approval or the issuance of a development permit. Normally, however, all development servicing costs associated with the development will be carried by the proponent.

Reserves Policy

Reserve Requirements

- 5.4 At the time of subdivision, as provided for in the Municipal Government Act, the County shall request land as reserve or money in lieu of Reserve. In certain cases, the County may defer reserves if a specific site is identified for a park area but that specific area is not located within a particular subdivision. Money-in-lieu of land for reserves shall be required where land is not provided.
- 5.5 Municipal Reserve parcels in the County shall be:
 - (a) concentrated in a few large parcels on suitable sites rather than scattered through subdivisions; and
 - (b) evaluated and inventoried with the aim of making more efficient use of the Reserves through consolidation and/or sales.
- 5.6 School Reserves shall be provided at the time of subdivision in accordance with agreements between the County and the relevant School Divisions.

Protect Environmentally Significant Areas

- 5.7 Development on sandy or unstable soil may only be allowed if measures to control erosion are implemented. Development on flood susceptible areas or on unstable or steep slopes shall not be allowed.
- 5.8 Development on environmentally sensitive areas should not be allowed.
- 5.9 Unless unique site requirements determine otherwise, development proposals should conform with the Alberta Environment Land Conservation Guidelines so far as they pertain to setback requirements from valley breaks, ravines and watercourses.

Environmental Reserve Requirements

- 5.10 The County may, at the time of subdivision of lands for non-agricultural purposes, require an Environmental Reserve strip of a minimum of 6 metres (20 feet) measured from either the top of the bank of the river or stream or the high water mark of a lake or other body of water. Defining the maximum width of the strip is subject to the discretion of the approving authority.

Environmental Reserve Easement

- 5.11 Where Environmental Reserve Lands are not necessary to provide public access to the feature, the County shall, at the time of subdivision, consider the option of an Environmental Reserve Easement as provided for the in the Municipal Government Act.

10. TRANSPORTATION AND UTILITIES

Lamont County is crossed by several Provincial Highways and two major rail lines. There are also numerous municipal roads that cross the County. These roadways form an excellent transportation system. Currently there is no public airport in the County.

The County does not have the authority to regulate Provincial Highways, pipelines, transmission lines and similar installations that are under provincial control. However, in many instances Council is given an opportunity to comment on the proposed locations of these facilities. It is Council's intention to encourage the appropriate authorities to have regard for the policies of this Plan.

Goal

To protect and enhance the County's transportation and utilities infrastructure.

Objectives

- (a) To discourage the fragmentation of higher capability agricultural land by transportation and utility corridors.
- (b) To discourage the loss of higher capability agricultural land to transportation and utility uses.
- (c) To minimize conflicts between transportation or utility facilities and other land uses.
- (d) To ensure that any municipal services provided are done so in an economical, environmentally sound and well planned manner.
- (e) To ensure that development does not impede the existing excellent transportation linkages within the County by establishing a hierarchy of roads within the County and by requiring development to respect that hierarchy.

Policies

Provincial Highways Criteria

10.1 Service roads adjacent to Provincial Highways in the County shall be considered as local internal subdivision roads and developed to appropriate standards.

Access Management Guidelines

10.2 The County shall require that land use adjacent to Provincial Highways and their associated accesses conform with the Access Management Guidelines as outlined by Alberta Transportation. As well, the County's system of major local roads shall be afforded a similar level of protection from encroachment and proliferation of direct access.

10.3 All roads created as a result of private development, which may include dedication to the County through the subdivision process, shall only be assumed by the municipality if the roads have been constructed or upgraded to a standard which is acceptable to the County and which meets or exceeds all appropriate provincial and federal standards.

Efficient Use of Road System

- 10.4 The County shall implement a program of maintenance and improvement for local roads designed to enhance traffic flow. Through the subdivision and development processes, the County shall endeavour to make the most efficient use of existing roadway facilities. Developments with the potential for substantial road impact (high traffic volumes or heavy trucks) will be directed to those roads that are designed and constructed to accommodate such development.
- 10.5 The County shall protect rights-of-way for long term roadway expansion and limit access to Provincial Highways through the use of service roads.

Impacts of Rights-of-way

10.6 Direct access from private property onto Provincial Highways shall be discouraged and limited wherever possible, especially where access onto local roads is available. Application for subdivision in the Agricultural Use Area will be specifically designed to minimize accesses onto Provincial Highways and local arterial roads through the use of service roads or redesigning the subdivision boundaries to redirect accesses onto local roads. The cost of consolidation or service roads and the costs of resolving all of Alberta Transportation's concerns with respect to access to the Provincial Highway will be the responsibility of the developer.

Future Road Widening

- 10.7 Road widening throughout the titled lands shall be required as condition of subdivision approval for all subdivision applications within the County. These acquisitions may be deferred by way of a caveat where appropriate.

Linear Transportation

- 10.8 Council shall encourage linear transportation and utility facilities to locate so that they:
- (a) minimize the loss of higher capability agricultural land;
 - (b) minimize the fragmentation of land, particularly higher capability agricultural land;
 - (c) follow road allowances wherever feasible;
 - (d) use corridors to integrate a number of utilities;
 - (e) minimize disruption of recreation, wildlife, and historic resources; and
 - (f) avoid disruption of existing or future urban centres.
- 10.9 Council shall encourage high voltage power lines and high pressure pipelines to locate away from residential areas.

Dangerous Goods Route

- 10.10 Council shall consider the establishment of a Dangerous Goods Route when Council feels that dangerous goods are being transported on County roads in sufficient quantity to be a significant hazard to the travelling public.

Intermunicipal Roadways and Utility Lines

- 10.11 The County shall endeavor to cooperate with other municipalities in the upgrading of intermunicipal roadways.
- 10.12 The County will encourage rail service to future industrial areas to improve industrial developments' accessibility to markets.
- 10.13 When planning for future residential development in areas near pipelines and powerlines, the County will require rights-of-way to contain sufficient width to ensure adequate buffers or setbacks between the proposed residential development and adjoining uses.

Hamlets

- 10.14 Council shall prepare a hamlet Area Structure Plan or conceptual plan prior to a hamlet being provided with water and/or sewage systems.

Landfill

- 10.15 Council has established that the existing landfill site near St. Michael (NW7-56-18-W4) has sufficient capacity for the County's needs for many years.
- 10.16 There shall be no landfill development of any kind by private developers within the County within the term of this Municipal Development Plan.

Wireless Communication

- 10.17 The County shall encourage wireless communication facilities to consider good planning and design so as to have the least impact on the natural environment, and the least visual impact on nearby residents. The County shall also encourage the developers of wireless communication facilities to provide an opportunity for public consultation.

Multiple Devices

- 10.18 The co-location of multiple devices on wireless communication facilities is preferred. Where appropriate, new facilities should be built to standards to accommodate multiple devices. Individual facilities are strongly discouraged.

Should co-locations not prove feasible, clustering of wireless communication facilities is preferred.

11. WILDLIFE

Council encourages the protection of wildlife resources in the County. Development is sometimes incompatible with wildlife and care must be taken to ensure that the viability of this resource is not destroyed. Council does recognize however, that in some instances, wildlife activity may disrupt agricultural operations and will require corrective measures to be taken.

Goal

To promote and preserve existing wildlife resources in the County.

Objectives

- (a) To ensure that critical fish and wildlife areas are conserved where possible.
- (b) To minimize conflicts between wildlife and other land uses.

Policies

Protection of Wildlife Habitat

- 11.1 Subdivision or development that, in the County's opinion, would be significantly incompatible with the wildlife resource or habitat shall not be permitted.
- 11.2 To aid the County in the review of a subdivision or development proposal within or adjacent to a key wildlife area the application may be referred to appropriate provincial government for comment.

Vegetation Plan

- 11.3 When reviewing a subdivision or development proposal within or adjacent to what the County considers to be a key wildlife area, the County may request a plan be completed detailing how disturbance to the wildlife is to be minimized.

Impacts on Wildlife Resources

- 11.4 Council shall encourage all development in the County, including that area identified as the Beaver Hills Moraine, to have regard for the maintenance of wildlife resources and their habitats. When reviewing an application for development, consideration of the possible negative impacts should be evaluated and mitigative measures suggested to minimize such negative impacts.

LAMONT COUNTY

LAND USE BYLAW

BYLAW 675/07

**related to Country Residential Development
and Area Structure Plan requirements.**

September 11, 2007

2.4 Referral of Applications

1. Historical Resources

- (a) Historical or archaeological sites identified pursuant to the Alberta Historical Resources Act shall be protected in accordance with Provincial legislation and regulations.
- (b) In addition to any sites identified in (a) above, an application for a development permit which may impact on any historical or archaeological site identified pursuant to (a) above within the County should be submitted to Alberta Culture for comment prior to a development permit being issued.

2. Elk Island National Park

All subdivision proposals and all applications for significant discretionary development permits within 1.6 km (one mile) of Elk Island National Park shall be referred to the Superintendent of Elk Island National Park with a copy to the Director General of the Western Region, Canada Parks Service, for comment prior to a development permit being issued or a subdivision being approved.

- ### **3. Development permit applications within 305 m (1000 ft.) of the right-of-way of a highway may, at the discretion of the Development Authority, be referred to Alberta Transportation for comments prior to a development permit being issued.**

4. Proximity to Confined Feeding Operations

Development permit applications for uses within 3.2 km (2.0 miles) of a confined feeding operation may be referred to the County Agricultural Fieldman for comments and for assistance in calculating any necessary development setback distance.

5. Adjacent Municipalities

All subdivision proposals and all applications for significant discretionary development permits within 1.6 km (one mile) of adjacent municipalities shall be referred to the adjacent municipality for comment prior to a development permit being issued or a subdivision being approved.

PART 4 - BYLAW AMENDMENT PROCESS

4.1 Application to Amend Bylaw

1. A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee therefore required under Section 4.1.3.
2. Council may at any time initiate an amendment to this Bylaw by directing the Development Authority Officer to initiate an application therefore.
3. All applications for amendment to this Bylaw shall be made to the Council on the form provided by the municipality and shall be accompanied by:
 - (a) an application fee as established by Council for each application; and
 - (b) a current title search of the land affected or other documents satisfactory to the Development Authority showing the applicant's interest in the said land; and
 - (c) drawings showing the subject site, the proposed District and the proposed use and development to be proposed on the site, if applicable; and
 - (d) any other information deemed necessary by the Development Authority Officer or by Council.
4. In order to prepare the proposed Bylaw amendment for Council, the Development Authority Officer may refer the application to such agencies as he/she considers necessary for comment.
5. During consideration and deliberation of the proposed Bylaw amendment, Council may refer the application to such agencies as it considers necessary for comment.
6. Council may request such information as it considers necessary in order to reach a decision on the proposed amendment.

4.2 Public Hearing

1. All amendments to this Bylaw shall be made by Council by Bylaw and in conformity with the requirements of the Act regarding the notification and holding of a public hearing.

7.4 COUNTRY RESIDENTIAL (CR) DISTRICT

1. Purpose

The general purpose of this District is to provide opportunities for the development of multi-lot country residential subdivisions.

2. Permitted Uses

- (1) Extensive agriculture
- (2) Minor Home Occupations
- (3) One family dwellings
- (4) Buildings and uses accessory to permitted uses

3. Discretionary Uses

- (1) Day homes
- (2) Family care facilities
- (3) Greenhouses
- (4) Group care facilities
- (5) Institutional, public and quasi-public buildings and uses
- (6) Major Home Occupations
- (7) Manufactured home units, provided they are "double wide" manufactured homes
- (8) Recreational uses
- (9) Two family dwellings
- (10) Other Uses which, in the opinion of the Development Authority, are similar to the above mentioned Permitted and Discretionary Uses
- (11) Buildings and uses accessory to discretionary uses

4. Regulations

- (1) Minimum Lot Area
 - (a) One family dwellings and manufactured home units – 0.4 ha (1.0 ac.) of developable land
 - (b) All other uses - as required by the Development Authority
- (2) Maximum Lot Area
 - (a) One family dwellings and manufactured home units – 2.0 ha (5.0 ac.) of developable land
- (3) Minimum Floor Area
 - (a) One family dwellings
 - (i) one storey - 111.5 sq. m (1200 sq. ft.), or as required by the Development Authority
 - (ii) one and one-half or two storey – 148.6 sq. m (1600 sq. ft.), or as required by the Development Authority
 - (b) All other uses - as required by the Development Authority

(4) Minimum Yard Dimensions

It should be noted that adjacent to Provincial Highways, Alberta Transportation may require greater setbacks for development. Contact Alberta Transportation regarding their requirements in this regard.

- (a) From internal subdivision roads
 - (i) One family dwellings and manufactured home units:
 - Front yard - 7.6 m (25.0 ft.)
 - Rear yard - 7.6 m (25.0 ft.)
 - Side yard - 6.1 m (20.0 ft.)
 - (ii) All other uses - as required by the Development Authority
- (b) From other municipal roads - 38.1 m (125.0 ft.) from the centre line of the road allowance.

(5) Minimum Servicing Standards

All development must be provided with sanitary facilities pursuant to the appropriate Provincial regulations.

(6) Keeping of Animals

The following regulations apply within the Country Residential (CR) District:

- (a) The total number of domestic pets per lot shall not exceed four (4), of which not more than two (2) shall be dogs.
- (b) The number of animals other than domestic pets shall at no time exceed the number of animals as follows:
 - (i) one (1) horse per 0.8 ha (2.0 ac.).

If the subject parcel of land is less than 0.8 ha (2.0 ac.) in size, the keeping of horses shall not be allowed. The keeping of no other livestock shall be allowed on any parcel of land in this District.

- (c) Offspring dependent on their mothers for nursing are exempt from the regulations of this Section. However, if upon weaning the number of animals exceeds the figures provided in subsection (c), a development permit for the increase shall be made to the Development Authority. The Development Authority may, at its discretion, allow the additional livestock, giving due regard to the adjoining land uses.