

BY-LAW NO. 586

of the

VILLAGE OF FOREMOST

IN THE PROVINCE OF ALBERTA

A BY-LAW OF THE VILLAGE OF OF FOREMOST IN THE PROVINCE OF ALBERTA TO
ADOPT THE FORTY MILE RURAL-URBAN FRINGE AGREEMENT.

Pursuant to the provisions of the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta, 2000, and amendments thereto, the Council of the Village of Foremost in the Province of Alberta, duly assembled, enacts as follows:

WHEREAS, the County of Forty Mile No. 8, the Town of Bow Island and the Village of Foremost desire to co-operate in planning and development matters; and

WHEREAS, notice of the Councils' intention to pass a By-Law has been published in the County Commentator on February 4, 2003 and February 11, 2003; and

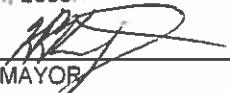
WHEREAS, the County of Forty Mile No. 8, Town of Bow Island and Village of Foremost have jointly prepared and adopted the Forty Mile Rural-Urban Fringe Agreement attached as Schedule "A";

AND WHEREAS, the County Council held a Public Hearing on February 26, 2003 at 1:30 p.m. whereat the County Council heard representation on behalf of persons claiming to be prejudicially affected by the proposed Agreement.

NOW THEREFORE, the Council of the Village of Foremost in the Province of Alberta in session duly assembled, enacts as follows:


- 1) That the Mayor and Municipal Administrator of the Village of Foremost be and hereby are empowered to execute an agreement similar to the form attached and marked Exhibit "A" between the Village of Foremost, the County of Forty Mile No. 8 and the Town of Bow Island and that the Forty Mile Rural-Urban Fringe Agreement be adopted as an Intermunicipal Development Plan.
- 2) That this by-law becomes effective upon its final passing thereof.
- 3) That By-Law No 554 be hereby repealed.

FIRST reading the 20th day of January, A.D., 2003.


MAYOR Seal


Municipal Administrator

SECOND reading the 17th day of March, A.D., 2003.
PASSED at the Third Reading the 17th day of March, A.D., 2003.


MAYOR Seal


Municipal Administrator

**County of Forty Mile No. 8 Rural Urban Fringe
Agreement as Revised**

January 2003

AGREEMENT TO ADOPT THE RURAL-URBAN FRINGE PLAN

BETWEEN The County of Forty Mile No. 8, a municipal corporation in the Province of Alberta (hereafter called the County)

and

The Town of Bow Island, a municipal corporation in the Province of Alberta (hereafter called Bow Island)

and

The Village of Foremost, a municipal corporation in the Province of Alberta (hereafter called Foremost)

WHEREAS: The County, Bow Island, and Foremost desire to cooperate in planning and development matters; and

WHEREAS: The County, Bow Island, and Foremost have jointly prepared the Rural-Urban Fringe Plan as attached; and


WHEREAS: The County, Bow Island, and Foremost deem appropriate that the provisions of the Plan should be adopted.

NOW THEREFORE The Councils of the County, Bow Island, and Foremost do adopt the Rural-Urban Fringe Plan.

County of Forty Mile No. 8

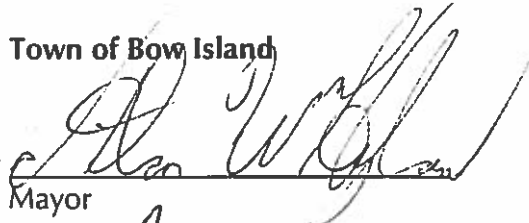

Reeve

March 7, 2003
Date

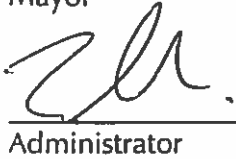

Administrator

March 7, 2003
Date

Town of Bow Island



Mayor

MARCH 31, 2003
Date

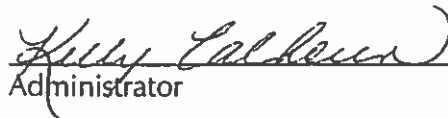

Administrator

MARCH 31, 2003
Date

Village of Foremost


Mayor

March 18, 2003
Date


Administrator

March 18, 2003
Date

1.0 INTRODUCTION

The influence of an urban centre usually extends beyond its boundary into the surrounding rural area. The uses found in these areas are different from those found further out. In addition, the uses and impacts of the surrounding rural area often extend into the urban area. This area of overlapping land uses is referred to as the rural-urban fringe.

The rural-urban fringe can be thought of as a transition zone from urban land uses to rural land uses. The distribution of land uses within the fringe is not uniform. A wide variety of factors such as topography, existing land uses, wind directions, location of resources (e.g. soil quality, water, and gravel), and the location of roads and railways, affect the location of various fringe land uses. Because these factors affect each land use differently it is not possible to delineate a single, rural-urban fringe. Instead, each type of land use (e.g. country residential, industrial, Confined Feeding Operation) has its own unique fringe area.

In addition to its transitional nature the fringe is also a dynamic area expanding or contracting depending on a number of forces such as urban expansion/contraction, population growth/decline, and economic trends.

In any dynamic system, problems arise from time to time. The purpose of the rural-urban fringe plan is to ensure that these problems are identified early in the process so that they don't develop into conflicts which will hinder the growth of both rural and urban municipalities.

1.1 PURPOSE

The purpose of this document is to identify rural-urban fringe land uses that currently create, or may in the future cause, conflict. Once identified this document provides general and operational policies designed to prevent existing problems from getting worse while recognizing that existing land uses that are creating problems cannot be reasonably moved to a more appropriate location. Naturally, this plan also contains policies designed to prevent future problems from arising through the provision of planning policies governing control of specific land uses in the rural-urban fringe. Finally, the plan contains policies designed to improve co-operation and communication between the County and its urban neighbours when dealing with rural urban fringe land use issues.

Pursuant to section 631 of the Municipal Government Act and Section 3.0 of the Provincial Land Use Policies, two or more municipalities may adopt an intermunicipal development plan to include those areas of land lying within the respective municipalities as they consider necessary.

An intermunicipal plan may provide for:

1. The future land use within the area.
2. The manner and proposals for future development of the area.
3. Any other matter relating to the physical, social or economic development of the area

that the Council's consider necessary.

An intermunicipal plan must provide for:

1. A procedure to resolve or attempt to resolve disputes between municipalities that have adopted the plan.
2. A procedure to be used by one or more municipalities to amend or repeal the plan.
3. Provisions relating to the administration of the plan.

Further reference to intermunicipal development plans is found in section 11 of the Subdivision and Development Regulation. Prior to July 1, 1998, an urban municipality had veto rights over a subdivision for country residential use within a specified distance of the municipal boundary. That provision had now been replaced with a provision which allows the establishment of a district prohibiting country residential development within a rural-urban fringe plan.

The plan establishes the following two goals:

- To minimize land use conflicts between the municipalities involved, and
- To determine a process for consultation between the municipalities involved.

In addition, the following issues were identified as needing to be addressed in an rural-urban fringe plan:

- Confined Feeding Operations
- multi-lot country residential developments
- industrial development
- inter-municipal cooperation

The details of each issue are discussed in the following sections.

1.3 INTERPRETATION

Country Residential Land Use: means the use of land situated in rural municipality for primarily residential purposes except such land located in hamlets.

Confined Feeding Operation :

Land Use By-law: means a by-law of a municipal council adopted as a land use by-law in accordance with the Municipal Government Act.

Nuisance Industry: means industry that generates noise, smoke, particulate matter, noxious or odorous matter, glare, heat emission, or accumulates refuse or trash which impinges on the use and enjoyment of an adjacent property. The term includes but is not limited to: cement plants, fertilizer manufacturing plants, oil seed processing plants, pesticide manufacturing plants, bulk fertilizer storage facilities, gravel pits, seed cleaning facilities, any facility used for storing and/or processing recyclables, animal feed manufacturing facilities, and other similar facilities. The term excludes extensive farming, ranching and horticultural land uses involved in the primary production of agricultural products.

2.0 CONFINED FEEDING OPERATIONS

At the present time, the urban municipalities in the County have minimal confined feeding operation development within their respective urban fringe districts but that could change in the future. While Confined Feeding Operations consume a very small amount of land, the odour that they generate guarantees that they will be controversial. The purpose of this section is to establish guidelines to ensure that Confined Feeding Operations are physically separated from incompatible urban land uses by an adequate distance.

Since January 1, 2002, the approval of confined feeding operations has been under the control of the provincial Natural Resources Conservation Board. However, municipalities have the authority under the Agricultural Operation Practices Act to establish some requirements through the Municipal Development Plan. This policy confirms the intent by the County of Forty Mile No. 8 to provide some protection to the urban Municipalities in the County from new confined feeding operation development.

2.1 OBJECTIVE

To minimize conflict between confined feeding operations and other existing land uses.

2.2 GENERAL POLICY

4.2.1 To confirm the establishment of exclusion districts around the urban municipalities to facilitate the control of confined feeding operations.




2.3 OPERATIONAL POLICIES

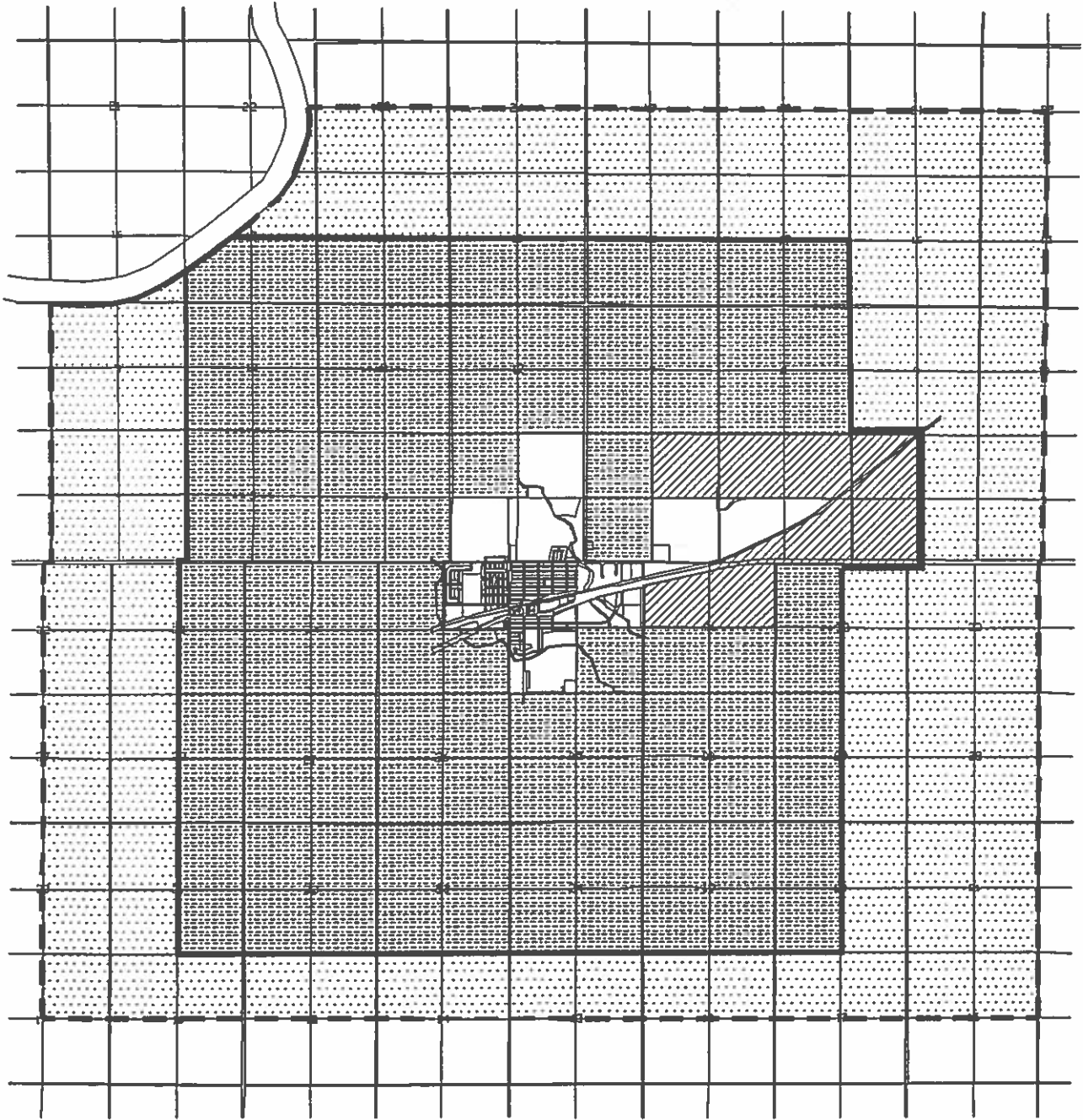
4.3.1 The parties agree to the establishment of exclusion districts for new confined feeding operations as shown on following figures.

4.3.2 Expansion of existing Confined Feeding Operations within the exclusion district may be allowed provided that the application complies with the requirements of the Agricultural Operation Practices Act.

Map 1

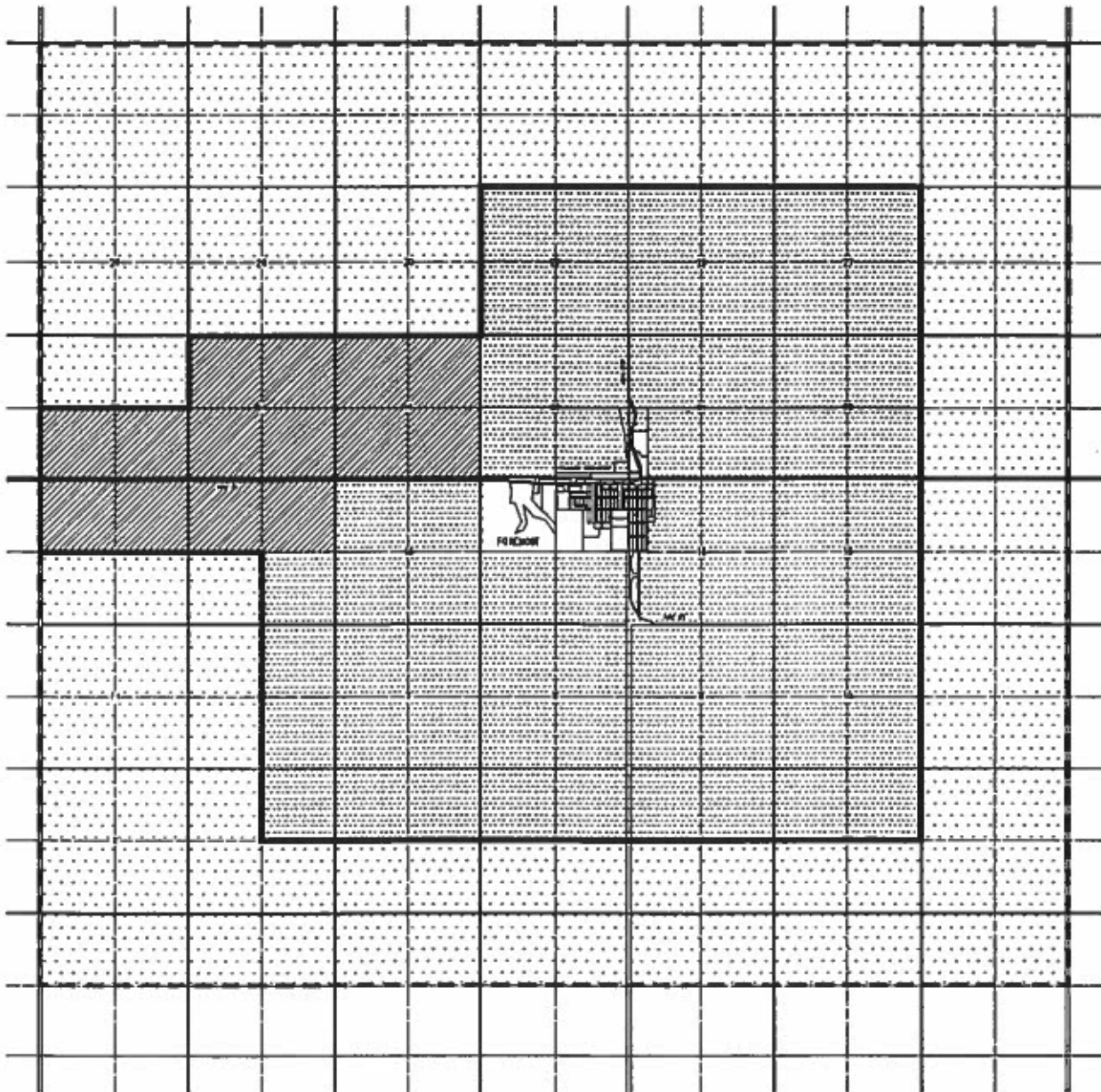
Town of Bow Island Rural Urban Fringe District

-  Rural Urban Fringe District
-  CFO Exclusion District
-  Airport Protection District



Map 2
Village of Foremost
Rural Urban Fringe District

- Rural Urban Fringe District
- CFO Exclusion District
- Airport Protection District



3.0 MULTI-LOT COUNTRY RESIDENTIAL DEVELOPMENT

There has been little demand for country residential subdivision in the County of Forty Mile but that may change in the future.

Country residential development gives home owners an opportunity to have livestock and other agricultural pursuits together with easy access to urban recreation facilities. Demand for these facilities can create a financial drain on urban municipality providing those services. They can also conflict with the expansion of urban land uses such as industrial parks.

In addition to recreation facilities, country residential homeowners often want access to urban services such as water and sanitary sewer. Demand for these services may create servicing problems for the urban municipality providing those services. Once a precedence has been established for one resident, it is often difficult to refuse service to another landowner. It also makes it more difficult to project future demand for services because there are many more opportunities for infill development. Water treatment and storage capacity is limited and a municipality needs to look after it's own requirements first before extending services outside their boundaries.

There need for compatible standards for service delivery across municipal boundaries. Scattered rural development is more expensive to service than urban development. Often to cut costs, shortcuts are taken in the installation of services outside of municipal boundaries. This can lead to premature failure and when the development is eventually annexed, force a municipality to undertake an expensive upgrading project.

3.1 Objective

To ensure that country residential development is not a financial drain on adjacent urban municipalities, and that there are consistent standards for service delivery across municipal boundaries.

3.2 General Policies

- 3.2.1 To ensure that there is a policy in place for joint funding of municipal recreation facilities.
- 3.2.2 To ensure that country residential development does not conflict with the expansion of urban land uses.
- 3.2.3 To establish standards for the establishment of serviced country residential districts in rural areas.

3.3 Operational Policies

- 3.3.1 Where numbers warrant, the County will consider the establishment of joint recreation districts for the funding of municipal recreation facilities.
- 3.3.2 An urban municipality may veto the establishment of country residential parcels within their Rural Urban Fringe District where in their opinion, there is a conflict with the future development of the community.
- 3.3.3 Services may be extended to country residential developments provided that:
- 1) there is sufficient capacity to support the development;
 - 2) that servicing standards are compatible with the standards of the urban municipality;
 - 3) that a clause be inserted in the service agreement of every urban fringe development stipulating that should the development ever be annexed into the urban municipality, that the affected municipality would not be responsible for the maintenance or upgrading of the utility line to meet urban standards.
 - 4) until such time as the development is annexed by the affected urban municipality, ownership of the utility line must remain with an established utility co-op or the County.

4.0 INDUSTRIAL DEVELOPMENT

The location of nuisance industry in the rural-urban fringe can create problems for the residents of urban municipalities. In order to prevent the occurrence of such problems, it is necessary to control the development of industry in the rural urban fringe.

4.1 Objective

To minimize conflict between proposed industrial land uses and existing or proposed urban land uses.

4.2 General Policies

4.2.1 To establish orderly industrial areas.

4.2.2 To establish a nuisance industry referral policy

4.3 Operational Policies

4.3.1 All development permit applications for nuisance industry development within the Rural Urban Fringe District shall be circulated to the affected municipality for comments.

4.3.2 Wherever possible, industrial development shall be clustered or located in industrial parks.

4.3.3 No nuisance industry shall be permitted in the urban fringe of a municipality unless the affected urban municipality and the County have no objections to it being located there.

4.3.4 Specialized commercial or industrial land uses which offer services directly related to farming may be permitted in Rural urban fringe areas if it is demonstrated to the County Council that there are justifiable reasons and need for such uses. Where appropriate, these uses are encouraged to cluster together or to locate in industrial parks.

4.3.5 In establishing Industrial land uses, the County shall consider the availability and proximity of fire fighting facilities and water supplies.

5.0 INTER-MUNICIPAL COOPERATION

Under Provincial Planning Policies, all municipalities are encouraged to develop policies for the fostering of inter-municipal cooperation.

5.1 OBJECTIVE

To minimize rural-urban conflicts that arise from inappropriate fringe development.

5.2 GENERAL POLICIES

5.2.1 A rural urban fringe district shall be established around each urban municipality in the County within which all development permit applications for discretionary uses as well as proposed amendments to any of the County's statutory plans or their land use by-law shall be circulated to the affected municipality for comment.

5.2.2 A mechanism is established whereby any development permit application for a proposed development, or amendment to a statutory plan or land use by-law in any of the affected municipalities that is likely to affect lands outside the boundary of the municipality is referred to the County for comment.

5.3 OPERATIONAL POLICIES

5.3.1 All development permit applications for discretionary uses in the rural urban fringe districts shown on Maps 1 and 2 shall be circulated by the County to the affected municipality for comment prior to making a decision on the application.

5.3.2 All subdivisions within the rural urban fringe district shown on Maps 1 and 2 shall be circulated by the County to the affected municipality for comment prior to making a decision on the application.

5.3.3 All proposed amendments to the County of Forty Mile No. 8 Land Use By-law that may affect land in a rural urban fringe district and all statutory plans considered for adoption or amendment by the County shall be circulated to the affected municipality prior to any public hearing.

5.3.4 All proposed amendments to a Land Use By-law within Bow Island or Foremost that may affect land near the County's boundary and all statutory plans considered for adoption or amendment by Bow Island or Foremost shall be circulated to the County prior to any public hearing.

5.3.5 Subdivision and Development Appeals occurring within the County, Bow Island, or Foremost for all parties to the Agreement shall be decided by the Forty Mile Inter-municipal Subdivision and Development Appeal Board.

5.4 PLAN REVIEW

- 5.4.1 The County shall adopt the rural urban fringe plan agreement and any future amendments by by-law.
- 5.4.2 The County shall amend their Land Use By-law to ensure that the boundaries of the urban fringe districts shown in the by-law conform to the boundaries of the rural-urban fringe districts shown in Maps 1, 2, and 3 of the Rural Urban Fringe Agreement.
- 5.4.3 All requests to amend the Rural Urban Fringe Plan shall come in the form of a resolution from one of the affected municipalities to the Forty Mile Inter-municipal Committee who shall issue a recommendation to the County Council.
- 5.4.4 Any party wishing to withdraw from the rural-urban fringe plan shall issue a notice of motion the other parties to the agreement not less than one year prior to the proposed date of withdrawal.
- 5.4.5 If any municipality that is a party to this agreement is of the opinion that a statutory plan or amendment or a land use by-law or amendment adopted by an adjoining municipality has or may have a detrimental effect on it, and it has given written notice of its concerns prior to second reading of the bylaw, it may appeal the matter to the Municipal Government Board within 30 days of the passing of the by-law to adopt or amend a statutory plan or land use by-law by
 - i) filing a notice of appeal with the Board, and
 - ii) giving a copy of the notice to the adjacent municipality.