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| MGB FILE NO. | |
| IN THE MATTER OF | AN INTERMUNICIPAL DISPUTE |
| INITIATING MUNICIPALITY | VILLAGE OF DUCHESS |
| RESPONDENT MUNICIPALITY | COUNTY OF NEWELL |
| DOCUMENT | NOTICE OF APPEAL FOR INTERMUNICIPAL DISPUTE |
| NAME (ORGANIZATION) | McLennan Ross LLP Attention: Gavin S. Fitch, Q.C. |
| ADDRESS FOR SERVICE | Suite 1900, 600 3rd Avenue SW Calgary, AB T2P 0G5 |
| EMAIL | gfitch@mross.com |
| TELEPHONE | 403.303.9120 |
| (FOR PERSON FILING THIS DOCUMENT) | |

As per section 690(1) of the *Municipal Government Act (Act)*, a municipality that

1. is of the opinion that a statutory plan (or amendment) or a land use bylaw (or amendment) adopted by an adjacent municipality has or may have a detrimental effect on it,
2. has given written notice of its concerns to the adjacent municipality prior to second reading of the bylaw, and
3. is attempting or has attempted to use mediation to resolve the matter

may appeal the matter to the Municipal Government Board. A statutory declaration indicating the status of mediation must accompany this Notice of Appeal. The Notice of Appeal and Statutory Declaration must be filed with the MGB within 30 days after the passing of the bylaw to adopt or amend the statutory plan or land use bylaw.

Part 1 – General Information – Please Print

APPELLANT MUNICIPALITY

| | | | |
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| Name of Municipality Village of Duchess | | Telephone Number 403.378.4452 | |
| Designated Contact Yvonne Cosh | | Position (e.g. C.A.O.) C.A.O. AB T0J 0Z0 | |
| Address (Street, PO Box, RR) Box 158 | | (Town/City/Village) (Province) (Postal Code) Duchess AB T0J 0Z0 | |
| E-mail Address administration@villageofduchess.com | | Fax Number 403.378.3860 | |

AGENT INFORMATION AND CERTIFICATION (if Appellant is Represented by a Lawyer/Agent)

| | | | |
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| Name of Firm McLennan Ross LLP | | Telephone Number 403.303.9120 | |
| Designated Contact (Last) (First) Gavin S. Fitch, Q.C. | | Telephone Number (daytime) AB T2P 0G5 | |
| Address (Street, PO Box, RR) (Suite, Apartment) (Town/City/Village) 1900 Eau Claire Tower, 600 - 3rd Avenue SW | | (Province) (Postal Code) | |
| E-mail Address gfitch@mross.com | | Fax Number 403.303.1668 | |

RESPONDENT MUNICIPALITY

| | | | |
|---|--|---|--|
| Name of Municipality County of Newell | | Telephone Number 403.362.3266 | |
| Designated Contact (e.g. C.A.O.) Matt Fenske, C.A.O. | | | |
| Address (Street, PO Box, RR) (Town/City/Village) Box 130 Brooks | | (Province) (Postal Code) AB T1R 1B2 | |
| E-mail Address fenskem@newellmail.ca | | Fax Number 888.361.7921 | |

Part 2 – Owner(s) of Land that is the Subject of the Appeal

(If more than one owner, please attach list of the names and addresses of each landowner of any land that will be directly affected by this appeal)

| | | |
|------------------------------|--------------------|----------------------------|
| Name (Last) | (First) | Telephone Number (daytime) |
| Address (Street, PO Box, RR) | (Suite, Apartment) | (Town/City/Village) |
| | (Province) | (Postal Code) |
| E-mail Address | Fax Number | |

Part 3 – Bylaw Information

(all to be completed)

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|---|--------------------|
| Please indicate which bylaw is under appeal | |
| County of Newell Land Use Bylaw 2016-21 | |
| Date bylaw received second reading | Date bylaw passed |
| September 23, 2021 | September 23, 2021 |

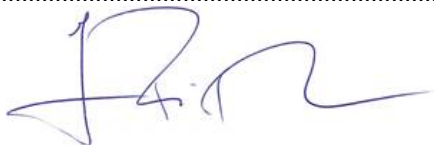
Please attach a copy of the notice sent to the municipality prior to the second reading.

See attached.

Part 4 – Reasons for Appeal

Indicate the specific provisions appealed and the reasons you think they are detrimental (attach more pages as necessary).

See attached.



Signature of Appellant OR
Person Authorized to Act on Behalf of Appellant

October 21, 2021

Date

This information is being collected for the purposes of setting up appeal hearings in accordance with Section 33(c) of the *Freedom of Information and Protection of Privacy Act*. The contact information you provide may also be used to conduct follow-up surveys designed to measure satisfaction with the appeal process. Questions about the collection of this information can be directed to Alberta Municipal Affairs, Municipal Government Board, 1229 – 91 Street SW, Edmonton, Alberta T6X 1E9 780-427-4864. (Outside of Edmonton call 310-0000 to be connected toll free)

Part 3 – Bylaw Information: Notice sent to municipality before second reading.

From: Yvonne Cosh - Village of Duchess <administration@villageofduchess.com>
Sent: September 1, 2021 9:24 AM
To: 'jacksonm@newellmail.com' <jacksonm@newellmail.com>; 'Pam Elliott' <elliottp@newellmail.ca>
Cc: Matt Fenske (Fenskem@newellmail.ca) <Fenskem@newellmail.ca>; 'Shanna Lee Simpson' <simpsons@newellmail.ca>
Subject: Duchess

Hí María

Attached are comments from the Village of Duchess in regards to the proposed County Land Use Bylaw change.

I have also attached a comparison document that I asked our Planner to do for us. This document made the changes clearer for staff and Council to understand.

We do have some very large concerns in regard to the fringe area and some of the changes proposed.

Thank you

Yvonne Cosh
CAO - Village of Duchess
403-378-4452

Re: Comments on Land Use Bylaw 2016-21 for Public Hearing

As per the County of Newell and Village of Duchess Intermunicipal Development Plan, please find below Council's response to the referral of the County of Newell's proposed Land Use Bylaw (LUB) 2016-21. The Council of the Village of Duchess is of the opinion that the substantive changes proposed by draft County of Newell Land Use Bylaw has or may have a detrimental effect on the Village. As such, in accordance with the Municipal Government Act, Section 690(1)(a) and (b), this letter serves as written notice of its concerns prior to second reading of Bylaw 2016-21.

1. REMOVAL OF FRINGE DISTRICT:

The Village objects to the removal of the district and its intended purpose of controlling and directing appropriate development within the interface area between the County and Village. By deleting the "Fringe" Land Use District and substituting the "General Agricultural" Land Use District, it does not capture the impact some activities have on urban settlement. The mutually negotiated and adopted Intermunicipal Development Plan (Bylaws 1780-13 and 455-13) states:

Part C: Policy 1.2

1.2 *Parcels within the IMDP boundary that are currently zoned Agricultural (A) shall be redesignated as Fringe (FR) in the County of Newell Land Use Bylaw. Extensive agriculture will be the primary land use of the lands, until these lands are redesignated in a land use bylaw in accordance with this plan. Land uses will be allowed in accordance with the Fringe District – Duchess Overlay contained within the County of Newell Land Use Bylaw.*

Part C: Policy 1.6

1.6 *All subdivisions shall comply with the County of Newell subdivision criteria found in Schedule 2, Fringe – FR, County of Newell Land Use Bylaw 1755-12 for:*

- *agricultural uses,*
- *existing and fragmented parcels,*
- *single lot developed country residential (farmstead), and*
- *single lot vacant country residential.*

The current proposal to remove the "Fringe" Land Use District, including the list of uses and subdivision policies, conflicts directly with the policies of the Intermunicipal Development Plan. Therefore, the County and Village will need to mutually agree to amend the current IDP to remove the district prior to any unilateral action taken by the County. In addition, new policy will need to be imbedded in the Draft Land Use Bylaw to assign standing and empower IDP policy within the Land Use Bylaw.

2. SIGNIFICANT CHANGES TO PROPOSED USES WITHIN INTERMUNICIPAL DEVELOPMENT PLAN AREA

A comparison of the uses listed in the current Fringe District and the proposed uses listed in the General Agricultural District was completed and is attached for information. This review reveals that there have been substantial changes, as illustrated, in the types and intensity of uses proposed for the Intermunicipal Development Plan Area. The Village has concerns with the following:

Concerns with Agricultural Activities proposed:

By deleting the “Fringe” Land Use District and substituting the General Agricultural Land Use District, it does not capture the impact some agricultural activities have on urban settlement. By proposing to include uses such as:

- feed mills,
- grain mills,
- abattoirs,
- anhydrous ammonia storage,
- fertilizer plants,

all which were previously prohibited uses in the immediate area around the Village, will negatively impact the quality of life of the residents of the Village as well as those County residents living in proximity of the Village. In absence of development criteria for the newly proposed uses, particularly those listed as **Permitted Uses**, there is no protection afforded the Village that an application could be refused, as the County is duty bound to issue a permit.

Concerns with Non-Agricultural Activities proposed:

A full review of the proposed uses to be included in the General Agricultural Land Use District, the Village is of the opinion that some uses are not agricultural in nature and will impact the Village if developed. These uses were previously prohibited uses within the Intermunicipal Development Plan Boundary and include:

- Hotel / Motel
- Pit or Quarry
- Campgrounds
- Recreation (Outdoor), specifically go-cart tracks, paintball and theme parks
- School
- Large Solar installations / Wind Farms
- Tiny home / park model

The Village does not support the addition of these uses, as either permitted or discretionary, within the IDP Plan Boundary.

3. LACK OF CONSULTATION

The Village is disappointed that more meaningful consultation was not sought by the County earlier in the process given the significant changes being proposed. Through the adopted Intermunicipal Development Plan, there is an expectation that each municipality will provide opportunities to consult on matters of mutual interest. By deleting the “Fringe – FR” Land Use District, the Draft Land Use Bylaw unilaterally changes policy which is central to the function of the mutually developed and adopted Intermunicipal Development Plan.

The Village is of the opinion that an email by County staff in mid-July 2021 pointing to an online information session which posed the question to the public, rather than their municipal partners, on what should be done with the current Fringe District, is an unacceptable consultation process and County should have engaged the Village early in the process, through the existing IDP Committee.

While the Village is willing to enter discussions regarding redefining the existing County’s “Fringe District,” the Village is not willing to support the removal of Land Use District without meaningful discussion and negotiation and a clear blueprint for change moving forward.

4. TRANSPARENT ZONING OF VILLAGE OWNED LANDS

The proposed draft bylaw does not contain a comprehensive map, either in paper or digital form, which depicts a clear legend and the individual parcels of land which have been assigned zoning. The current link to a live GIS map indicates that the Village’s sewage lagoons are zoned “**Other**” on the legend. Further clicking in the map finally shows that the zoning is actually “**S-PPS Special, Parks and Public Services District**”. This is confusing and as a landowner, if a final version is not attached to the bylaw, how can it form part of the bylaw?

In closing, the Village requests that County Council not proceed with additional readings of Bylaw 2016-21 and that both municipalities engage in the dispute resolution process outlined in Part B, Section 4.0 of the IDP in order settle the matter locally and avoid an elevated dispute under Section 690 of the Municipal Government Act.

| Land Use Bylaw 1892-17 Uses and Definitions in Fringe District | Bylaw Draft Proposed Changes 2021 To Uses and Definitions in the Former Fringe Area |
|---|---|
| Permitted Use Green Fill Discretionary Use Blue Fill | Permitted Use Green Fill Discretionary Use Blue Fill Use previously a PROHIBITED USE in the Fringe - RED |
| <p>ACCESSORY BUILDING means any structure:</p> <ul style="list-style-type: none"> (a) that is physically separate from the principal building on the lot on which both are located and which is subordinate and incidental to that of the principal building; a typical accessory building is a private garage or shed; (b) the use of which is subordinate and incidental to that of the principal use of the site on which it is located. <p>No accessory building shall be used for human habitation.</p> | <p>ACCESSORY BUILDING / STRUCTURE LESS THAN 930 m² (10,000 ft²) means a detached building, with or without a permanent foundation, which is subordinate or incidental to the Principal Use or Principal Building located on the same site. Typical accessory buildings include, but are not limited to, soft-shelled buildings, garages, sheds, chicken coop etc.</p> |
| <p>NEW</p> | <p>ACCESSORY BUILDING / STRUCTURE GREATER THAN 930 m² (10,000 ft²) means a detached building, with or without a permanent foundation, which is subordinate or incidental to the Principal Use or Principal Building located on the same site. Typical accessory buildings include, but are not limited to, soft-shelled buildings, garages, sheds, chicken coop etc.</p> |
| <p>ACCESSORY STRUCTURE means a structure that is detached from the principal building. It is ancillary, incidental, and subordinate to the principal building or use. Typical accessory structures include flagpoles, dugouts, swimming pools, and storage tanks. When a structure is attached to the principal building by a roof, a floor, a wall, or a foundation, either above or below grade, it is considered part of the principal building. No accessory structure shall be used for human habitation.</p> | <p>DELETED</p> <p>* combined with above Accessory Building/Structure</p> |
| <p>ACCESSORY USE means a use of a structure or parcel which is ancillary, subordinate, and incidental to the principal use of the building or site.</p> | <p>DELETED</p> |
| <p>ADDITION means construction that increases the footprint of an existing building or structure on the parcel of land. Typically there will be a common connection from the existing building to the addition that includes a foundation of some type beneath the addition.</p> | <p>ADDITION means construction that increases the footprint of an existing building or structure on the parcel of land. Typically there will be a common connection from the existing building to the addition.</p> |
| <p>AGRICULTURAL BUILDING means a structure associated with and generally essential to an agricultural operation. Such structures or facilities may include, but are not limited to the following: machine</p> | <p>AGRICULTURAL BUILDING means any building or structure associated with agriculture or grazing, including corrals,</p> |

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| <p>sheds, storage sheds, granaries, grain bins, silos, animal housing and/or feeding facilities, repair shops, corrals, pens, and other ancillary farm structures.</p> | <p>stockpiles, haystacks, grain bins, and barns.</p> |
| <p>AGRICULTURAL OPERATION means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward (AOPA, Section 1), and includes:</p> <ul style="list-style-type: none"> (a) the cultivation of land; (b) the raising of livestock, including domestic cervids (i.e. deer and elk) within the meaning of the Livestock Industry Diversification Act and poultry; (c) the raising of fur-bearing animals, pheasants or fish; (d) the production of agricultural field crops; (e) the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops; (f) the production of eggs and milk; (g) the production of honey; (h) the operation of agricultural machinery and equipment, including irrigation pumps; (i) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes; (j) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost; (k) the abandonment and reclamation of confined feeding operations and manure storage facilities. | <p>AGRICULTURE (GENERAL) means the raising of crops or the rearing of livestock, or production of honey either separately or in conjunction with one another and includes buildings and other structures limited to the regulations of the District. This use does not include Cannabis Production.</p> |
| <p>NEW – SEE INTENSIVE HORTICULTURE OPERATION</p> | <p>AGRICULTURE (INTENSIVE) means a use where plants are intensively grown and processed for food or non-food use. Typical uses include greenhouses, nurseries, tree farms, market gardens, mushroom farming, vermiculture and aquaculture. This use does not include Cannabis Production.</p> |
| <p>NEW</p> | <p>AGRICULTURE (PROCESSING) means a use for storage and upgrading of agricultural products for distribution or sale through value added processes such as mixing, drying, canning, fermenting, chemical, seed cleaning, biological or other treatments, the cutting, smoking, aging, wrapping and freezing of meat, or similar production methods, including feed mills and grain mills. This use does not include Agriculture (Intensive or Regulated) or Cannabis Production.</p> |
| <p>NEW</p> | <p>AGRICULTURE (REGULATED) means a use where the intensity of agriculture operations has significant land or water demands and may include off-site</p> |

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| | impacts that are licensed under provincial or federal regulations. Typical uses include abattoirs, anhydrous ammonia storage and fertilizer plants. This use does not include Cannabis Production. |
| NEW | ANIMAL HEALTH (INCLUSIVE) means a use for the care, treatment, or impoundment of animals both considered as domestic pets or farm animals. This would include pet clinics, animal veterinary clinics and veterinary offices with or without outdoor pens, runs and enclosures. |
| ALTERNATIVE ENERGY, INDIVIDUAL means energy that is renewable or sustainable that is generally derived from natural sources (for example, the earth, sun, wind, water) and it for the sole consumption of the landowner, resident or occupant. | DELETED Split into Solar and Small Wind Energy Conversion System |
| AUTO REPAIR AND PAINT SHOP means a building where motor vehicles are repaired and also where motor vehicle bodies and parts, and other metal machines, components, or objects may be painted. Painting of this type shall not be done outdoors, but must be set up in a properly ventilated building. This use may also include an outdoor storage area and an office component. See also SANDBLASTING FACILITIES . | DELETED |
| BED AND BREAKFAST means an owner-occupied dwelling offering short-term lodging, generally not exceeding one week, to registered guests and providing only a breakfast meal. The facility may include one or more supplementary buildings for accommodation. | BED & BREAKFAST means a use where temporary sleeping accommodation is provided for up to four (4) guest rooms. |
| BREEDING FACILITY means a commercial development primarily for the breeding of small animals, normally considered domestic pets such as dogs or cats, excluding livestock, and also includes the accessory boarding, caring and training of these small animals <i>but excludes a veterinary clinic or a kennel</i> . | DELETED |
| NEW | BOAT LAUNCH means a ramp, typically constructed of wood, metal, or earth/gravel, that extends from a shoreline into a water body, specifically for the purpose of launching or removing watercraft. |
| NEW | BUNK HOUSE means an accessory building which has sleeping accommodation, but which does not have cooking facilities and is not intended to be used as a self-contained unit. |

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| <p>CEMETERY AND INTERNMENT SERVICES means a development for the entombment of the deceased and may include such facilities as crematories, cinerarium, columbarium, mausoleums, memorial parks, burial grounds, cemeteries and gardens of remembrance.</p> | <p>CEMETERY means a use where the entombment of the deceased occurs and may include such facilities as crematories, cineraria, columbaria, mausoleums, memorial parks, burial grounds, cemeteries, and gardens of remembrance.</p> |
| <p>NEW</p> | <p>CARE FACILITY (CHILD) means the use of a building or portion thereof to provide care, instruction, <i>maintenance</i> or supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours. Typical uses include day-care facilities, early childhood services, and nurseries.</p> |
| <p>NEW</p> | <p>CAMPGROUND means a use where Recreational Vehicles, tents or similar short-term accommodations, are used for recreation, and is not normally used as year-round storage or for permanent dwelling.</p> |
| <p>COMMUNITY HALL means a facility or building which is owned or leased by a community association or group, non-profit organization, or corporate entity for the purposes of public service, use or recreation.</p> | <p>DELETED * combined with Recreation (Indoor)</p> |
| <p>COMMUNITY RECREATION FACILITY means a development providing facilities that are available to the public for sports and recreational activities conducted indoors and / or outdoors. These facilities are typically owned and operated by registered non-profit organizations or municipalities.</p> | <p>DELETED * combined with Recreation (Indoor/ Outdoor)</p> |
| <p>DECK means an unenclosed (no roof/walls) structure, of wood frame or other construction, which may be attached to a dwelling. The overall height of a deck is greater than 0.6 m (2 ft.) from the finished grade to the top of the finished surface and any structure lower than 0.6 m (2 ft.) is considered a patio.</p> | <p>DELETED</p> |
| <p>DOG TRAINING FACILITY means any premises or building containing four or more dogs, which are five months or older, where these domestic animals are trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold, or let for hire.</p> | <p>DELETED</p> |
| <p>DUGOUT means an excavation specifically sited and constructed for the purpose of catching and storing water. Depending on the circumstances, the dugout may be intended for either seasonal use or permanent use. For use purposes these may be considered as an ACCESSORY STRUCTURE.</p> | <p>DELETED</p> |

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| <p>EXHIBITION CENTRE means the use of land or building, public or private, for temporary events including seasonal shows, conventions, conferences, seminars, product displays or sale of goods, recreation activities, and entertainment functions. This use may include accessory functions including food and beverage preparation and service for on-premise consumption.</p> | DELETED |
| <p>FARMER'S MARKET means the use of land or buildings where fresh farm or garden produce is sold in retail or wholesale setting and where goods are typically displayed in bulk bins or stalls for customer selection. This use includes vendors of fruit, vegetables, meat products, baked goods, dry goods, spices and non-food products such as handicrafts, provided that the sale of fresh food products remains the primary function.</p> | <p>FARMERS MARKET means a market which has a primary use of selling goods produced in farming operations, and operates on a regular but temporary occurrence, and can include use of a building, structure or parking lot for the purpose of selling any or all produce and crafts.</p> |
| NEW | <p>FARM GATE SALES means a use where the sale of farm products which are produced in the same farming operation takes place.</p> |
| NEW | <p>GOVERNMENT SERVICES means a use where municipal, provincial or federal government services directly to the public or the community at large, and includes development required for the public protection of persons or property. Typical facilities would include police stations, fire stations, courthouses, post offices, municipal and social services offices.</p> |
| <p>HOME OCCUPATION 1 means the secondary use of a dwelling by an occupant of the home to conduct a business or profession, where no traffic will be generated as a result of the operation. Only 1 or 2 resident employees will be allowed; no non-resident employees will be allowed for this home occupation.</p> | <p>* NO PERMIT REQUIRED</p> <p>HOME-BASED BUSINESS TYPE ONE (HBB1) means a use where business is conducted in a Principal Building with limited weekly visits and employees that reside in the Principal Building. Uses are secondary to the residential use of the parcel and do not change the residential appearance of the land and buildings.</p> |
| <p>HOME OCCUPATION 2 means the secondary use of a dwelling and its accessory buildings by an occupant of the home to conduct an activity that may generate limited business-related visits. Up to two non-resident employees may be employed for this type of home occupation.</p> | <p>HOME-BASED BUSINESS TYPE TWO (HBB2) means a use where business is conducted in a Principal Building or Accessory Building with moderate weekly visits and with one employee who does not live on the property. Uses are secondary to the</p> |

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| | residential use of the parcel and do not change the residential appearance of the land and buildings. |
| HOME OCCUPATION 3 means the secondary use of a dwelling and its accessory buildings by an occupant of the home to conduct an activity that will generate daily or weekly business-related visits. Up to five commercial vehicles and non-resident employees may be utilized for this type of operation. Uses for this home occupation may be similar to a Home Occupation 2 operation but will be more intensive. | DELETED |
| NEW | HOTEL/MOTEL means a building used primarily for sleeping accommodations and ancillary services provided in rooms or suites of rooms, which may contain bar/kitchen facilities; the building may also contain commercial or other uses and may or may not offer such additional services as party facilities, restaurant or dining room services, or public convention facilities |
| NEW | INDUSTRIAL (LIGHT) means those developments where activities and uses are primarily carried on within an enclosed building and no significant nuisance factor is created or apparent outside an enclosed building. Any development, even though fully enclosed, where, in the opinion of a Development Authority, there is significant risk of interfering with the amenity of adjacent sites because of the nature of the site, materials or processes, shall not be considered Industrial (Light). Typical uses include laboratories, general contractors and, construction firms, welding shops and warehouse sales etc. |
| INTENSIVE HORTICULTURAL OPERATION means any relatively small parcel of land where buildings are used for the commercial production and sale of specialty crops grown by high yield and high density techniques. Examples include but are not limited to the following types of development: greenhouses, nurseries, hydroponic or market gardens, mushroom or tree farms. CANNABIS PRODUCTION FACILITY is a separate use. | * SEE AGRICULTURE (INTENSIVE) |
| KENNEL means a commercial facility where dogs (more than 3) or cats or other domestic pets are maintained, boarded, bred, trained or cared for or kept but excludes an Animal Care Service. | KENNEL means a facility for the keeping, breeding, boarding, caring, or training of dogs and/or other domestic pets over three months of age, excluding livestock. |

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| <p>MANUFACTURED HOME 1 means a completely self-contained dwelling unit, designed and constructed entirely within a factory setting. A Manufacture Home 1 refers to a new structure, and one that has not been previously occupied or used as a show-home. Typically it is transported to a site in not more than one piece on its own chassis and wheel system or on a flatbed truck. For the purposes of this bylaw, a manufactured home does not include a “modular home” or “ready-to-move home”.</p> | <p>DWELLING (MANUFACTURED HOME) means a dwelling that is manufactured to be moved from one point to another that is located on a permanent foundation and which provides completely self-contained, year-round residential accommodation and meets the requirements for a residence under the Canadian Standards Association.</p> |
| <p>MANUFACTURED HOME 2 has the same meaning as Manufactured Home 1, except that it has been occupied previously as a dwelling.</p> | <p>DELETED * combined with DWELLING (SINGLE DETACHED)</p> |
| <p>MODULAR HOME 1 means a dwelling unit built at an off-site manufacturing facility in conformance with CSA standards designed in two or more modules or sections. The dwelling is transported by transport trailer in sections and delivered to the site where it is assembled and placed on a concrete basement.</p> | <p>DELETED * combined with DWELLING (SINGLE DETACHED)</p> |
| <p>MODULAR HOME 2 means a dwelling unit built at an off-site manufacturing facility in conformance with CSA standards designed in two or more modules or sections. The dwelling is transported by transport trailer in sections and delivered to the site where it is assembled and placed on approved foundation other than a concrete basement.</p> | <p>DELETED * combined with DWELLING (SINGLE DETACHED)</p> |
| <p>MOVED-IN BUILDING means a previously used or existing, established and working building, which is removed from a site, and then transported and re-established on another site. For the purposes of this bylaw, a moved-in building does not include a “manufactured home”, “modular home’ or “ready-to-move home”.</p> | <p>DELETED</p> |
| <p>MOVED-IN DWELLING means a previously existing, established and occupied dwelling, which is removed from one site and then transported and re-established on another site. For the purposes of this bylaw, a moved-in building does not include a “manufactured home”, “modular home”, “ready-to-move home”, motor home, travel trailer, recreation vehicle and any similar vehicles that are neither intended for permanent residential habitation nor subject to the current provincial building requirements.</p> | <p>DELETED</p> |
| <p>NEW</p> | <p>DWELLING (MULTI-UNIT) IN A HUTTERITE COLONG ONLY – NO DEFINITION</p> |
| <p>NEW</p> | <p>PARK means a use where land is designated for active or passive recreational use by the public which does not require dedicated facilities beyond supporting accessory buildings or structures and landscaping. Typical uses include playspaces, walkways, trails, nature interpretation areas, picnic areas, athletic fields and similar uses.</p> |

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| NEW | PIT OR QUARRY means a means the development of on-site removal, extraction and primary procession of raw materials such as sand, clay, gravel or stone. |
| NEW | RECREATION (INDOOR) means a use where public or private indoor recreation occurs. Typical uses libraries, museums, or other cultural facilities, private clubs or lodges, health or fitness clubs, recreation centres, community halls, public swimming pools, bowling alleys curling rinks and arenas etc., but does not include Recreation (Outdoors). <i>* part of this use was in Community Recreation</i> |
| NEW | RECREATION (OUTDOOR) means a use where outdoor recreation occurs. Typical uses include outdoor skating rinks, lawn bowling greens, tennis courts, swimming and wading pools, water spray parks, go-cart tracks, miniature golf, paintball, theme parks and golf courses etc. <i>* part of this use was in Community Recreation</i> |
| PARKING AREAS AND STRUCTURES means an area of land or building which is provided and maintained on the same lot as the principal use for the purpose of storing motor vehicles. This use does not include campgrounds or RV parks. | DELETED |
| READY-TO-MOVE HOME means a previously unoccupied dwelling constructed at a place other than its permanent location (off-site) which is built to current Alberta Safety Codes Standards and is transported in whole or in parts, complete with paint, cabinets, floor covering, lighting and plumbing fixtures, to a site and placed on a permanent wood or concrete basement foundation. For purposes of this bylaw, a ready-to-move home does not include a manufactured home, modular home or moved-in buildings. | DELETED * combined with DWELLING (SINGLE DETACHED) |
| RELIGIOUS ASSEMBLY means development owned by a religious organization used for worship and related religious, philanthropic, or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories, and other buildings. Typical facilities would include churches, chapels, mosques, temples, synagogues, parish halls, convents, and monasteries. | RELIGIOUS ASSEMBLY means a development dedicated for religious worship and related religious, philanthropic, or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories, and other buildings. Typical facilities would include churches, chapels, mosques, temples, synagogues, parish halls etc. |

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| <p>RIDING STABLE / ARENA means a private or public compound or facility designed with stalls for the housing, bedding and/or confinement of animals (any animal) used for riding purposes. The facility may also include outdoor features such as corrals, riding areas, training areas, associated storage structures and parking areas for users. See EQUESTRIAN CENTRE.</p> | <p>RIDING ARENA means a private or public facility for the training, exercising, and boarding of horses. The facility may also include outdoor features such as corrals, riding areas. A riding shall not be used for horse shows, rodeos, teaching sessions or similar events to which there is a fee to participate in or to use the facilities.</p> |
| <p>RODEO GROUNDS means an agricultural-recreation oriented facility where livestock, animal husbandry and exhibitions of the speed, breeding and management are exhibited and showcased. Typically the site will also include the associated facilities such as an arena, chutes and corrals, stables, concession booths, grandstands and parking to carry out such purpose. The facility may be managed by civic, private or non-profit organizations.</p> | <p style="text-align: center;">DELETED</p> |
| <p>SECOND DWELLING means a standalone additional dwelling unit on a lot which is not contained within the principal residence. A secondary dwelling unit may be a manufactured dwelling, ready-to-move dwelling, modular, moved-in dwelling or a site-built dwelling/accessory building as permitted in accordance with the land use district it is proposed to be located within.</p> | <p style="text-align: center;">DELETED</p> |
| <p>SECONDARY SUITE means a subordinate dwelling unit located within or attached to a single detached dwelling</p> | <p style="text-align: center;">DELETED</p> |
| <p style="text-align: center;">NEW</p> | <p>SCHOOL means a place of instruction run privately or operated with public funds pursuant to the <i>School Act</i>, as amended, which may be located on reserve land pursuant to the MGA. This use does not include a Trade School.</p> |
| <p>SHIPPING CONTAINER means any container that is or was used for transport of goods by means of rail, truck or by sea. These are generally referred to as a C-Container, sea cargo container, sea can or cargo container. Such containers are typically rectangular in shape and are generally made of metal. For the purposes of this bylaw, when such a container is used for any purpose other than transporting freight, it will be considered as a structure, must conform to these regulations, and may require a permit.</p> | <p style="text-align: center;">SHIPPING CONTAINER NOT A LISTED USE NO PERMIT REQUIRED UNIMITED NUMBERS ALLOWED</p> |
| <p>SIGN</p> <p>Category 1 (Direction and Information)– Permitted – no permit</p> <p>Category 2 (Awning, Billboard, Fascia, Freestanding, Projecting, Roof-mounted, Wall) – Permitted</p> <p>Category 3 – (Portable) Permitted</p> | <p style="text-align: center;">SIGN NOT A LISTED USE FOUND IN SECTION 3.56 Awning / Canopy – Permitted Billboard – Discretionary Freestanding – Permitted Inflatable – Discretionary Portable – Discretionary Projecting - Permitted</p> |

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| <p>SINGLE DETACHED DWELLING means a freestanding residential dwelling containing one dwelling unit stick built on site, not forming part of and not physically attached to any other dwelling or structure.</p> | <p>DWELLING (SINGLE DETACHED) means a dwelling which is supported on a permanent foundation or basement, irrespective of the construction method of the dwelling (constructed onsite, modular or ready-to-move).</p> |
| <p>* FORMERLY IN ALTERNATIVE ENERGY INDIVIDUAL</p> | <p>SMALL WIND ENERGY SYSTEM means a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics intended for onsite use.</p> |
| <p>* FORMERLY IN ALTERNATIVE ENERGY INDIVIDUAL</p> | <p>SOLAR PANELS (WALL MOUNTED) – means a wall-mounted device that converts light into energy intended for onsite use.</p> <p>SOLAR PANELS (FREE STANDING) GREATER THAN 56 m² (602 ft²)– means a freestanding device that converts light into energy, which is set upon the ground and may be intended for onsite use or scaled up for industrial purposes.</p> |
| <p>SOFT-SHELLED BUILDING means a structure, truss or tube-frame building system which is covered with fabric, generally of canvas, vinyl, plastic, or cotton material, which is typically used as an accessory building or for storage. For use purposes these may be considered as an ACCESSORY BUILDING.</p> | <p style="text-align: center;">DELETED</p> |
| <p>UTILITIES means any one or more of the following:</p> <ul style="list-style-type: none"> (a) systems for the distribution of gas, whether artificial or natural; (b) waterworks systems (facilities for the storage, transmission, treatment, distribution or supply of water); (c) sewage systems (facilities for the collection, treatment, movement or disposal of sanitary sewage); (d) storm sewage drainage facilities; (e) telecommunications systems; (f) systems for the distribution of artificial light or electric power; (g) facilities used for the storage of telephone, cable, remote weather stations or internet infrastructure; and (h) any other things prescribed by the Lieutenant Governor in Council by regulation; <p>but does not include those systems or facilities referred to in subclause (a) through (g) that are exempted by the Lieutenant Governor in Council by regulation.</p> <p>Within the context of this definition, PUBLIC UTILITY means a utility that is owned or operated by some level of government, and PRIVATE UTILITY means the utility is owned or operated by a non-government entity, private company, publicly traded company or utility agency.</p> | <p>UTILITIES means a system or works used to provide services such as potable water including water reservoirs, sewage disposal, waste management or waste transfer facilities, or storm systems, as well as the Buildings that house the public utility, and any offices or equipment.</p> |

| <p>NEW</p> | <p>TINY HOME/PARK MODEL means a living unit, similar to a Recreational Vehicle, designed to facilitate occasional relocation and include living quarters for temporary or seasonal residential use. Typically the are connected to utilities and skirted once installed on the parcel. For the purposes of this Bylaw, this type of living unit is not the same as a manufactured home and will not be considered for a permanent dwelling.</p> |
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Part 4 – Reasons for Appeal.

**REASONS FOR APPEAL
OF COUNTY OF NEWELL LAND USE BYLAW 2016-21**

1. Removal of the Fringe District

The new County of Newell (“County”) Land Use Bylaw 2016-21 (“Bylaw”) removes the “Fringe District” around the Village of Duchess (“Village”), which was established in the County of Newell & Village of Duchess Intermunicipal Development Plan, Bylaw No. 1780-13 & Bylaw No. 455-13, February 2014 (the “IDP”). The purpose of the Fringe District was to control and direct appropriate development in the interface area between the County and the Village.

The deletion of the Fringe Land Use District, including the list of uses and subdivision policies, conflicts directly with the policies of the IDP. By replacing the Fringe Land Use District with the General Agricultural Land Use District, the Bylaw fails to capture the impact some activities may have on urban settlement within the Village.

The unilateral deletion of the Fringe Land Use District by the County is not acceptable, particularly when the Village had communicated its concerns to the County.

2. New, unacceptable land uses

The Bylaw makes substantial changes to the uses listed in the old Fringe District. For example, the replacement of the Fringe District with the General Agricultural District means the following uses may now occur:

- feed mills

- grain mills

- abattoirs

- anhydrous ammonia storage

- fertilizer plants

All of these were previously prohibited uses in the fringe area around the Village and will negatively impact the quality of life of the residents of the Village. The Village now has no protection against the approval of such unwanted and impactful uses.

In addition, the Bylaw now allows for the following non-agricultural uses in the General Agricultural District which has replaced the Fringe District:

- Campgrounds
- Recreation (Outdoor), specifically go-cart tracks, paintball and theme parks
- Large Solar installations / Wind Farms
- Tiny home / park model

The Village does not support these new uses, as either permitted or discretionary uses, within the IDP Plan boundary.

3. Inadequate consultation

The County failed to meaningfully engage with the Village early enough to have any influence on the passage of the Bylaw. Instead, the Bylaw was rushed through by the old County Council before the impending municipal election. As per the IDP, the County is supposed to provide the Village with opportunities to consult on matters of mutual interest. The deletion of the Fringe Land Use District, which was central to the proper function of the IDP, was clearly such a matter of mutual interest. Before second reading of the Bylaw, the Village expressly asked the County to not proceed with additional readings but the County went ahead and gave 2nd and 3rd reading to the Bylaw on the same day, September 23, 2021.

The Village is filing this appeal under Section 690 to preserve its rights and in the hope and expectation that this dispute can be resolved through negotiation or mediation.