

I Yvonne Cosh of C.A.O. of Village of Duchess DO SOLEMNLY DECLARE THAT:
(Name)

1. Village of Duchess wishes to file an Appeal with the
(Appellant Municipality)

Municipal Government Board concerning County of Newell Land Use Bylaw 2016-21, and that
(Bylaw provision under appeal)

2. I am the C.A.O. of the Village of Duchess, and that
(Position) (Appellant Municipality)

3. (Please choose one of the following)

(a) Mediation with (adjacent municipality) was not possible

(b) Mediation was undertaken but was not successful

(c) Mediation is ongoing and the appeal is being filed to preserve the right of appeal

4. And further, the reasons why mediation was either not possible or not successful are as follows in Attachment "A" (please tick N/A if option (c) was selected), N/A

AND I MAKE THIS SOLEMN DECLARATION CONSCIENTIOUSLY BELIEVING IT TO BE TRUE AND KNOWING THAT IT IS OF THE SAME FORCE AND EFFECT AS IF MADE UNDER OATH.


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

Yvonne Cosh
(Print Name)

DECLARED BEFORE ME AT Village of Duchess

In the Province of Alberta, this 21 day

of October, 2021


(Commissioner for Oaths)

 October 1, 2023
(Print Name)

October 1, 2023
(Expiry Date of Commission)

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)

**ATTACHMENT A TO THE STATUTORY DECLARATION
(INTERMUNICIPAL DISPUTE APPEAL)
OF YVONNE COSH**

REASONS WHY MEDIATION WAS NOT POSSIBLE

1. Mediation was not possible because the County of Newell (“County”) insisted on passing its new Land Use Bylaw 2016-21 (“Bylaw”) prior to the October 18, 2021 municipal election.
2. As the attached timeline shows, on June 23, 2021 the County first contacted the Village of Duchess (“Village”) about its intention to pass the Bylaw. The intention to pass the Bylaw before the election was communicated to the Village on July 7. On July 19, the Village was advised that the County planned to give the Bylaw first reading on August 5, which is in fact what happened.
3. After first reading, the County advised that comments on the draft Bylaw were required by September 2, 2021. The Village submitted a letter of concerns on September 1. In that letter, the Village advised the County that the letter served as written notice of its concerns prior to second reading of the Bylaw, as per Section 690 of the *Municipal Government Act*.
4. On September 7, 2021 the Village received email correspondence from the County advising that it had reviewed the Village’s September 1 letter of concerns. However, the Village’s concerns were not addressed or responded to; rather, the County provided comments directed at concerns expressed by the City of Brooks, on the basis that many of the Village’s concerns appeared to be the same as those expressed by Brooks. In response, the Village advised that it expected the County to address the Village’s concerns before the public hearing on the draft Bylaw, scheduled for September 9.
5. The Village’s Mayor attended the September 9, 2021 public hearing. The Mayor expressed the Village’s concerns and asked that the County not proceed with additional readings of the draft Bylaw without first addressing the Village’s concerns.
6. The next day, September 10, 2021, the County advised the Village that it intended to place the draft Bylaw on the County Council’s September 23 agenda for second and third reading. On September 14, the Village sent another email correspondence to the County outlining its concerns.
7. On September 21, 2021 the Village received the County’s Council meeting agenda package for the September 23 meeting, which included a revised version of the draft Bylaw. The Village’s Council met later on September 21 to review the draft Bylaw. Village Council directed administration to present the County with a new land use district that closely reflects the Fringe District. Village administration met with County

administration to discuss this the next day, September 22. County Council proceeded to give second and third reading of the Bylaw on September 23. In doing so, it rejected the Land Use district proposed by the Village the day before.

8. As the foregoing demonstrates, the accelerated schedule followed by the County in approving the Bylaw left no time for proper consultation with the Village and mediation was not possible.

Timeline of County of Newell Land Use Bylaw 2016-21

June 23, 2021

- Email received June 23, 2021 from Shanna Lee Simpson (County of Newell) notifying Municipalities of a new bylaw process and virtual open house:

The County of Newell has been working on updating our Land Use Bylaw over the past several months. We are now ready to share our draft document with our neighbours and are hoping for your thoughts and ideas of its content.

We were looking forward to an open house and lots of discussion among the landowners, stakeholders and staff but unfortunately with the uncertainty of the world right now we have chosen to have our first open house virtually.

The link to view the document is <https://www.newellub.ca/> (June Version)

If you would like to get together in person with County of Newell staff to discuss in addition to the virtual house we will make that happen, just shoot us an email or a phone call and we will set it up. Looking forward to hearing the good, bad and ugly of the draft Land Use Bylaw.

*Thanks.
Shanna Lee
Simpson
Development
Clerk*

July 7, 2021:

- Email from Diane Horvath (ORRSC) to Shanna Lee Simpson (Newell) inquiring about the timeline for consultation.
- Response from Shanna Lee Simpson indicating the hope to adopt the new bylaw before the election (October 18, 2021) – indicated that a steering committee meeting was upcoming and she would have more information from that meeting once the open house closed (July 11, 2021).

July 8, 2021:

- Email copied to Village of Duchess from Town of Bassano indicating some concerns with proposed draft Land Use Bylaw.
- Email from Yvonne Cosh (Duchess) to Shanna Lee Simpson indicating the Village may wish to also set up a meeting.
- Email response from Shanna Lee Simpson that Maria Jackson (Newell) will arrange meeting.
- Email response from Maria Jackson. Thought a meeting to discuss draft was a

good idea – stated the open house ended on July 11, 2021 and would be in touch with meeting dates.

July 19, 2021:

- Email from Maria Jackson indicating the intent to take the draft LUB to 1st Reading on August 5, 2021 with public hearing in September. The County staff could make themselves available Friday July 23, 2021 at 2:00 pm to discuss proposed bylaw.

July 20, 2021:

- Diane Horvath responded to Maria Jackson that Duches Administration was unable to meet due to holidays. Would be able to meet after July 30, 2021.
- Response from Maria that she would follow up after July 30, 2021.

August 3, 2021:

- Telephone conversation between Maria Jackson and Yvonne Cosh. Yvonne asked for comparison document that highlighted the changes from the existing LUB to the draft.
- Email from Maria Jackson to Yvonne Cosh which included 2 attachments: Request for Decision (RFD) and Draft LUB (July Version for 1st Reading).
- Ms. Jackson stated in the email that it was the first time some of the County council members were seeing the document.
- This was the first notification that the “Fringe District” around the Village of Duches was being removed.

August 5, 2021: County Council gave 1st reading to July Version of Draft LUB

- RFD - Included a list of discussion items for County Council’s consideration prior to 1st reading, including the removal of the Fringe District. Indicated that only 7 surveys (out of a County population of 7,524) were completed as part of the consultation process. The summary of the results was not included for information.
- Email from Pam Elliott providing notice of 1st reading of Bylaw 2016-21 and that comments on the draft LUB were to be submitted no later than September 2, 2021

August 10, 2021:

- County of Newell and City of Brooks IDP Meeting (noted in RFD and minutes of meeting included in the September 9, 2021 Council Agenda package).
- 3 members of County Council present who discussed the bylaw and took on information prior to the public hearing.

August 31, 2021:

- County of Newell and Village of Rosemary IDP meeting (noted in the RFD and minutes of the meeting included in the September 9, 2021 Council Agenda

- package).
- 2 members of County Council present who discussed the draft bylaw and took on information prior to the public hearing.

September 1, 2021:

- Letter of concerns from Village of Duchess to CAO Matt Fenske, Pam Elliot, Maria Jackson, and Shanna Lee Simpson (Newell) for public hearing.
- Response from CAO Fenske acknowledging the receipt of the concerns and indicated that another draft of the revised LUB was forthcoming.

September 7, 2021:

- Village received email dated September 3, 2021 from Geoff Tiffin (Newell). It indicated that he didn't address the Village's concerns specifically but attached the comments that he had completed for the City of Brooks as many of the Village's concerns appeared to be the same. The email also included attachments including a draft LUB (labelled as being for the public hearing) as well as proposed Bylaw 2018-21 (Subdivision Authority Bylaw) which contained subdivision policies which were proposed to be removed from the LUB.
- Email from Yvonne Cosh to Geoff Tiffin stating that she would like to see the Village's concerns addressed prior to the public hearing.
- Second email received from Geoff Tiffin addressing the Village's concerns from the County's perspective.
- The agenda for the public hearing was updated but did not include the attachment to the Village's September 1 letter of concerns (the attachment compared uses and definitions in the old Fringe District with those in the new Bylaw for the General Agricultural District replacing the Fringe District).
- Yvonne Cosh contacted the County after a review of the Council Agenda for September 9, 2021 posted on the County's website to inquire why the Village's comments for the public hearing were not included.
- Diane Horvath (ORRSC) completed an Adobe Acrobat Pro document comparison which determined that a total of 757 changes were made to the Draft Bylaw for the Public Hearing (the version that was given first reading by the County), including 638 replacements, 93 insertions, and 26 deletions.

September 9, 2021 – County of Newell Public Hearing:

- Mayor Tony Steidel attended on behalf of the Village and spoke about the Village's concerns and the 700+ changes made to a document which the Village only received 2 days prior.
- Asked that the County not proceed with additional readings.
- County Council determined that municipalities should be given 2 weeks to review the document and let the County know if their concerns were addressed.
- The County Council Closed the public hearing.

September 10, 2021:

- Email from Geoff Tiffin offering to meet with the Village anytime from September 13 to 16. As well, it was the County's intention to place the bylaw on the Council agenda on September 23 for 2nd and 3rd reading.

September 14, 2021:

- Email sent to County Administration with attachment outlining Village's position, including 4 main concerns:
 - Clarification about who should have called an IDP meeting.
 - Clarification whether an IDP meeting can be held as County Councilors would be receiving information outside of a public hearing.
 - Concerns that the process was backwards as the IDP policy should have been amended prior to making changes in the County's LUB that conflict with IDP policy.
 - Indicating that Village Council would need to meet to discuss the document and that meeting was not until September 21, 2021. Administration would be available to meet the day before the County Council meeting to relay the Village Council's direction.
- Yvonne Cosh received a phone call from Matt Fenske to discuss the draft bylaw. It was agreed the County and the Village would meet on September 22, 2021.

September 21, 2021:

- County Council meeting agenda package is posted.

September 21, 2021:

- **Village of Duchess Council Meeting**
- Council reviewed the document (Draft for 2nd and 3rd Reading).
- Council provided direction to administration to present the County with a new land use district that closely reflects the current uses and standards in the "Fringe District"

September 22, 2021:

- **Village Administration meeting with County Administration**
- Yvonne Cosh and Diane Horvath meet virtually with Matt Fenske, Geoff Tiffin, and Maria Jackson
- Village discussed their Council's concerns with the removal of the Fringe District and proposed a land use District that closely resembles the current Fringe District and asked that the County consider the amendment.
- Staff from both municipalities discussed process and the need for another public hearing.
- Village staff discussed the County / City IDP meeting material that was posted to the County website.

September 23, 2021

- County Council meeting

- RFD on Bylaw indicated that there was a IDP meeting between the County and City of Brooks on September 21, 2021 in which items were discussed as presented in the attached PowerPoint in the County Agenda Package. Members of County Council attended this meeting and took on information outside of a public hearing prior to 2nd and 3rd Reading.
- County administration made changes to the LUB (September 2021 Version) as a direct result of this meeting.
- County Council rejected the Land Use District presented by the Village but was provided a copy for discussion outside of a public hearing.
- County Council gave the bylaw 2nd and 3rd Readings.