



SMOKY LAKE COUNTY COUNCIL MEETING AGENDA

Thursday, April 13, 2023 at 9:00 a.m.

Virtual - Meeting ID: 644461594 Password: caJ9UbjLPY

<https://video.businessconnect.telus.com/join/644461594?pw=bfd72e070cd24cd3982006482fa6443>

And with Council physically present in the County Council Chambers, Smoky Lake.

- 1) Call to Order
- 2) Adoption of Agenda
- 3) Adoption of Minutes
- 4) Delegation
 - a) Dave Harsulla - Victoria Trail Ag Society @ 10:00 a.m.
 - b) JMD Group LLP - Barb McCarthy @ 10:15 a.m.
 - c) Bob Novosiwsky @ 11:00 a.m.

PUBLIC QUESTION AND ANSWER PERIOD: 11:30 AM TO 12:00 PM

- 5) Municipal Planning Commission (*Council Meeting Recessed and undertaken on a Separate Agenda*)
 - a) Development Permit DP-006-23: Garage Suite @ 2:00 P.M.
- 6) Public Hearing (*Council Meeting Recessed and undertaken on a Separate Agenda*)
 - a) Bylaw No. 1426-22: a bylaw for Town of Smoky Lake and Smoky Lake County Intermunicipal Development Plan (IDP) @ 9:15 A.M.
 - b) Bylaw No. 1433-23: A Bylaw amending the Smoky Lake County Land Use Bylaw 1272-14 and amending the Smoky Lake County Municipal Development Plan Bylaw 1249-12, to remove certain Recreational Vehicles (RV) provisions @ 1:15 P.M. **To be handed out at meeting**
- 7) Business – Request for Decision
 - a) Town of Smoky Lake IDP Bylaw 1426-22 (PH & 2nd/3rd Reading)
 - b) Proposed Bylaw 1436-23: Alternative Energy
 - c) RV Bylaw 1432-23, LUB/MDP Amend Bylaw 1433-23, Municipal Lands Bylaw 1434-23, Policy 61-25 Reserve Lands, and Policy 61-21 Encroachments. (2nd/3rd Readings)
 - d) Update on the North Saskatchewan Heritage River Initiative (**in closed, 14.c**)
 - e) Offer to Purchase County Owned Land at Pt. of River Lot 10, Victoria Settlement (**in closed, 14.a**)
 - f) Offer to Purchase County Owned Land at Pt. of SE-9-58-15-W4M (**in closed, 14.b**)
 - g) Rescind Policy Statement 07-03: Recreational Trail Road License Agreement
 - h) Day of Mourning April 28th
 - i) Policy Statement No. 15-01-02: Discipline Policy
 - j) Regional Community Newsletter Concept
 - k) Annual Safety Meeting
 - l) Rescind Policies
 - m) Know Your Food Truck
 - n) 2023 Northeast Regional Agricultural Service Board Conference
 - o) Federation FIRE AGM and Member's Meeting
 - p) Snow Blade Proposal for Unit 206 – GMC 3500 4x4
 - q) Policy Statement No. 02-09-03: Peace Officer Human Relations Records

- 8) CAO Report – N/A
- 9) Council/Committee Reports- N/A
 - a) Division One
 - b) Division Two
 - c) Division Three
 - d) Division Four - **Reeve**
 - e) Division Five
- 10) Correspondence
 - a) Smoky Lake Minor Hockey- Funding Request for Provincials.
 - b) Proclaim Economic Development Week 2023
 - c) In-Person Town Halls - Minister of Public Safety and Emergency Services and Minister of Justice
 - d) Letter- Rebecca Schulz, Minister of Municipal Affairs- Grant Approval for Village of Waskatenau
 - e) Letter - Honourable Devin Dreeshen, Minister of Transportation and Economic Corridors – Speed Limit Reduction Request for Highway 28
 - f) Letter -Sponsorship for the Buffalo Lake Pro Rodeo 2023
 - g) Letter- Sponsorship for Canadian National Archery in Schools Program Nationals
 - h) Letter -Sponsorship for the Smoky Lake Holubka Dancers – Highway Clean Up Lunch
 - i) Letter -Rebecca Schulz, Minister of Municipal Affairs – Deadline Extension for Joint Use and Planning Agreements (JUPA's)
 - j) Letter – Brandy Cox, Deputy Minister –ACP Grant for Regional Indigenous Collaboration Framework- Village of Vilna.
 - k) Letter - Brandy Cox, Deputy Minister – ACP Grant for Regional Water, Wastewater and Stormwater Infrastructure Design Study – Town of Smoky Lake
 - l) Letter - Brandy Cox, Deputy Minister – ACP Grant for Smoky Lake Regional Environmental and Agricultural Sensitivity Study – Smoky Lake County
- 11) Information Release- N/A
- 12) Financial Reports- N/A
 - a) Budget to Actual
 - b) Financial Statement
 - c) Cheque Register
- 13) Next Meeting
 - a) Acknowledge the April 6, 2023 at 1:00 p.m. meeting is a Council Committee of the Whole Meeting, not a Workshop.
- 14) In Camera
 - a) Land Issue in respect to Offer to Purchase County Owned Land, under the authority of the FOIP Act Section 25: Economic Interests.
 - b) Land Issue in respect to Offer to Purchase County Owned Land, under the authority of the FOIP Act Section 16: Economic Interests of a third party, Section 24: Advice from Officials, Section 25: Economic Interests of a Public Body and Section 29: Information that is or Will be Public.

- c) Legal Issue in respect to the Heritage River, under the authority of the FOIP Act Section 21: Intergovernmental Relations.

15) Adjournment



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.a

Topic: Bylaw 1426-22: Town of Smoky Lake and Smoky Lake County Intermunicipal Development Plan

Presented By: Planning & Development Services

Recommendation:

- 1) That Smoky Lake County give Second Reading to Bylaw 1426-22, being an Intermunicipal Development Plan for the Town of Smoky Lake and Smoky Lake County.
- 2) That Smoky Lake County give Third and Final Reading to Bylaw 1426-22, being an Intermunicipal Development Plan for the Town of Smoky Lake and Smoky Lake County.

Background:

Smoky Lake County and the Town of Smoky Lake first adopted an Intermunicipal Development Plan (Bylaw No. 1289-16) in 2016. A consultant, Municipal Planning Services (MPS) assisted the Town/County in completing the project at that time.

- Bylaw No. 1289-16 includes a sunset clause which requires both Councils to renew the document every 5 years or the Bylaw will expire, which does not conform with the requirements of the Municipal Government Act.
- The Town of Smoky Lake IDP was renewed by Resolutions of both Councils in September 2021. Nevertheless, both parties have been working to update and replace this Bylaw.

Slight changes have been made, such as removing the sunset clause, updating historical context, and goals so that they align with current strategic plans, and some maps. These are shown in the redline track changes attached.

Council gave First Reading to Bylaw No. 1426-22 in December 2022, and the Intermunicipal Planning Committee subsequently met on February 2nd, 2023, and identified a few minor typographical changes which have been incorporated.

With the Statutory Public Hearing now having been advertised and completed as of today, Council may give consideration of Second and Third Readings. The Bylaw will not take effect until concurrently being adopted by the Town of Smoky Lake.

Benefits: Proactive future planning within the plan area, and less burdensome language within the bylaw itself.

Disadvantages: None – legislative requirement.

Alternatives: Council may defeat the proposed bylaw or differ a decision.

Financial Implications: There have been some budget implications for advertising the Public Hearing.

Legislation: Part 17, Municipal Government Act, M-26 RSA 2000



Request for Decision (RFD)

Intergovernmental: Nil.

Strategic Alignment: Proactivity in Development

Enclosure(s):

- Redline Proposed Bylaw No. 1426-22, as amended, being an Intermunicipal Development Plan for the Town of Smoky Lake and Smoky Lake County. © Attachment 1

Signature of the CAO:

A handwritten signature in blue ink, consisting of a large loop followed by several wavy lines, positioned above a horizontal line.

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1426-22**

A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of adopting an Intermunicipal Development Plan for Smoky Lake County & the Town of Smoky Lake.

WHEREAS an Intermunicipal Development Plan has been prepared for the Town of Smoky Lake and Smoky Lake County based on public input and studies of land use, development and other relevant data; and

WHEREAS the foresaid Intermunicipal Development Plan describes the way in which the future development within the Plan area may be carried out in an orderly and economic manner;

NOW THEREFORE the Council of Smoky Lake County, duly assembled, and pursuant to the authority conferred upon it by the Municipal Government Act R.S.A. 2000, c. M-26 as amended, enacts as follows:

1. This Bylaw takes effect upon Third Reading by both Councils.
2. Previous Bylaw 1289-16 is rescinded upon adoption of this Bylaw.
3. Smoky Lake County & the Town of Smoky Lake Intermunicipal Development Plan is attached hereto as **Schedule "A"** to this Bylaw is hereby adopted.
4. This Bylaw may be cited as "Smoky Lake County & the Town of Smoky Lake Intermunicipal Development Plan".
5. If any portion of this Bylaw is found to be invalid, the remaining portions remain in effect.
6. This Bylaw may be amended by Bylaw in accordance with the Municipal Government Act R.S.A. 2000, c. M-26, as amended.

This Bylaw comes into effect upon the date of the final reading thereof.

READ a First Time this **14th** day of **December, AD 2022**.

S E A L

REEVE

CHIEF ADMINISTRATIVE OFFICER

READ a Second Time this _____ day of _____, **AD 2023**.

READ a Third and Final Time this _____ day of _____, **AD 2023** and finally passed by Council.

S E A L

REEVE

CHIEF ADMINISTRATIVE OFFICER



Style Definition: TOC 2

Town of Smoky Lake + Smoky Lake County
Intermunicipal Development Plan (IDP) Bylaw #1426-22

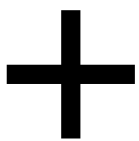


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1 Interpretation

1.1 Definitions

1. **Area Structure Plan** is a statutory plan that establishes the general planning framework for future subdivision and development of an area of undeveloped land.
2. **Building** includes anything, whether temporary or permanent, constructed or placed on, in, over, or under land but does not include a highway or road or a bridge forming part of a highway or road;
3. **Confined Feeding Operation** means fenced or enclosed land or buildings where livestock are confined for the purpose of growing, sustaining, finishing or breeding by means other than grazing and any other building or structure directly related to that purpose but does not include residences, livestock seasonal feeding and bedding sites, equestrian stables, auction markets, race tracks or exhibition grounds. Confined Feeding Operations are regulated under the Agricultural Operation Practices Act (AOPA) in Alberta.

3-4. **Country Residential** means any development located in a rural area which is situated on a lot used solely for private residential purposes and accessory uses and is not connected to municipal sewer and water services. The dwelling unit may be occupied permanently or seasonally;

4-5. **Development** means:

- a. an excavation or stockpile and the creation of either of them, or
- b. a building or an addition to or replacement or repair of a building and the construction or placing of any of them in, on, over or under land, or
- c. a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building, or
- d. a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

~~5-6.~~ **Development Authority** means the Development Authority established by the Town of Smoky Lake and the Smoky Lake County Development Authority Bylaws;

~~6-7.~~ **Environmental Reserve** means land considered undevelopable because of its natural features or location (e.g., unstable slopes, shoreline areas, etc.) that is dedicated to the municipality at the time of subdivision by the landowner, as provided for in the Municipal Government Act;

~~8.~~ **Environmental Reserve Easement** is an easement that is registered on the title of a parcel of land in favour of the municipality for the purpose of the protection and enhancement of the environment;

~~7-9.~~ **Extensive Agriculture** means the use of land or buildings, including the first dwelling or manufactured home, an agricultural operation which require large tracts of land (usually in the order of 80 ac. (32.4 ha.) or more). This use may include the outdoor cultivation of industrial hemp, but does not include intensive agriculture, cannabis production and distribution, or a confined feeding operation which requires either a registration or an approval under Part 2 of the *Agricultural Operations Practices Act*, R.S.A. 2000, c. A-7, as amended or replaced;

~~8-10.~~ **Farmstead** means the currently inhabited or formerly inhabited residence or other improvements connected with a farm or an intensive agricultural use. Farmstead also includes a currently vacant site, which is intended to be used as a country residence;

~~11.~~ **Fragmented Parcel** means a parcel of land or a part of a parcel of land that is separated from the balance of the parcel of land by a natural barrier such as a river or coulee, or by a physical barrier such as a road, railroad, or highway;

~~9-12.~~ **Intensive Agriculture** means an agricultural operation which raises crops on a land-intensive basis. Intensive agriculture includes, greenhouses, silviculture and sod farms, but does not include confined feeding operations cannabis production and distribution or industrial hemp production and distribution facilities;

~~10-13.~~ **Multi-lot Country Residential Development** means any subdivision, which will create five (5) or more country residential or farmstead lots on a quarter section.

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11,14. **Municipal Reserve** is land (or cash-in-lieu of land, or both) dedicated by a landowner to the municipality at the time of subdivision for the purpose of providing parks, recreation facilities and school sites as provided for in the Municipal Government Act;

12,15. **Public Utility** means a public utility, as defined in the Act. More specifically, a public utility means:

- a. a system, works, plant, equipment or service for the production, transmission, delivery or furnishing of water, heat, light or power supplied by means other than electricity, either directly or indirectly to or for the public;
- b. an oil pipeline the proprietor of which is declared by the Energy Resources Conservation Commission to be a common carrier; and
- c. an electric utility; (Section 1(i) Public Utilities Act 2010 as Consolidated).



2 Introduction

2.1 Purpose

The purpose of this intermunicipal development plan is to identify and communicate a plan for improving regional collaboration in the areas of intermunicipal growth, land use, infrastructure, recreation, social, and emergency services planning, and joint service provision.

These documents were structured so that to further their implementation they could be approved by the respective Councils of the partner municipalities as Intermunicipal Development Plans.

The adoption of this Intermunicipal Development Plan provides the Town and the County with a joint future land use plan to help guide growth and development within the Plan Area.

The four (4) partner municipalities within the Smoky Lake Region (the Town of Smoky Lake, the Village of Vilna, the Village of Waskatenau, and Smoky Lake County) are actively working together to achieve three regional collaboration initiatives. The three initiatives are:

Initiative 1	<u>Consult, develop, communicate and implement a new and expanded terms of reference for a regional economic and community development advisory committee (RCDC).</u>
Initiative 2	<u>Communicate and provide shared regional services in the critical areas of business counselling, retention and growth planning assistance; business/investment attraction; tourism promotion and attraction and overall economic and community development capacity building.</u>
Initiative 3	<u>Consult, develop, communicate and integrate initiatives that address the need for more effective regional and/or inter-municipal growth, land use, infrastructure, recreation, social and emergency services planning and possible or increased joint service provision.</u>

The purpose of this intermunicipal development plan is to identify and communicate a plan for improving regional collaboration in the areas of intermunicipal growth, land use, infrastructure, recreation, social and emergency services planning, and joint service provision, as outlined in Initiative 3.



~~During the preparation of this intermunicipal development plan, the following deliverables were agreed upon by the partner municipalities:~~

- ~~• To develop and implement a community and stakeholder consultation program.~~
- ~~• To draft a municipal planning, development, and regulatory framework recommendations report and strategy.~~
- ~~• To consult with Council, key stakeholders, residents and the regional community economic development committee.~~
- ~~• To prepare a final municipal planning, development and regulatory framework recommendations report and plan.~~
- ~~• To prepare a 'Go Forward' report and recommendation for the community economic development committee to implement the recommendations.~~

~~Initiative 3 was accomplished through the development of three (3) intermunicipal development strategies — the Town of Smoky Lake + Smoky Lake County Intermunicipal Development Strategy (this document), the Village of Vilna + Smoky Lake County Intermunicipal Development Strategy, and the Village of Waskatenau + Smoky lake County Intermunicipal Development Strategy. These documents were structured so that in order to further their implementation they could be approved by the respective Councils of the partner municipalities as Intermunicipal Development Plans.~~

~~The adoption of this Intermunicipal Development Plan represents the implementation of the recommendations in the 'Go Forward' Report and provides the Town and the County with a joint future land use plan to help guide growth and development within the plan area.~~

2.2 Approach

This plan utilizes a comprehensive approach to land-use planning. In practice, this means that local information, specialized viewpoints and environmental stewardship practices are used in the decision-making process for land use and development.

This approach considers both the past and present human and physical environments. Considering where the community has been, where it is presently and where it wants to go enables both municipalities to set in place a plan for how



to reach their desired destination. This approach to planning assumes that the plan’s policies and subsequent decisions will be based on careful consideration of environmental information, stakeholder interests and municipal goals and objectives. This approach offers communities the opportunity to provide widely-accepted and lasting solutions to development and land use management issues.

2.3 Goals

The goals of this plan are to assist the Town and County achieve the following short and long term benefits:

Short Term Benefits

- Provide all municipalities within the Town and County with a service delivery tool or strategy to assist with determining the viability of regional municipal service delivery;
- Better facilitate inter-municipal and intra-regional cooperation relating to economic and community development issues, opportunities, and challenges.
- ~~Develop a new committee/board to better facilitate inter-municipal and intra-regional cooperation relating to economic AND community development issues, opportunities, and challenges;~~
- Increase overall community and economic development capacity building essential for both short term and longer-term community viability, sustainability, and quality of life; and
- Develop a more effective process and planning strategy for coordinating intermunicipal growth, land use, infrastructure, recreation, social services, and emergency services.

Long Term Benefits

- The development and implementation of a regional framework that strengthens regional collaboration and integrated regional service delivery models to increase efficiencies and provide a stronger, more unified approach to addressing the issues identified as important to community members within the Smoky Lake Region;



- Increased business/investment attraction “presence” throughout the Smoky Lake Region;
- Improved business retention, growth, and business attraction throughout the region;
- Improved regional fiscal and financial sustainability; and
- Increased opportunities for leveraging regional strengths into regional competitive advantages.

2.4 Enactment

The policies contained within this plan come into force once the Councils of the Town of Smoky Lake and Smoky Lake County have each given Third Reading to the bylaws adopting the Town of Smoky Lake + Smoky Lake County Intermunicipal Development Plan.

2.5 Duration

This plan will establish, in general terms, the general land use patterns, together with the conditions upon which the provision of municipal services may occur in the subject area, and mutually agreed policy directions for the next 25 years following the adoption of the plan. While this plan is meant to be a long range planning document, it is intended that regular monitoring, review, and periodic amendments may be required for policies in the plan to remain current with changing development trends and growth within the region.

A process for amending the plan has been established as a part of this plan.

This ~~plan also provides a “sunset clause” — a time at which the plan will cease to have any force and effect should the two municipalities not re-adopt the plan. Notwithstanding these processes, the~~ plan should be reviewed every ~~three-five~~ years from the date on which the plan comes into effect to ensure that it is still current and meets the needs of the Town of Smoky Lake, Smoky Lake County, and the entire Smoky Lake Region.

2.6 Enabling Legislation

The provincial legislation that allows one or more municipalities to adopt an Intermunicipal Development Plan is the *Municipal Government Act*.

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Section 631 of the Municipal Government Act states, in part:

(1) Subject to subsections (2) and (3), 2 or more councils of municipalities that have common boundaries ...must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

(2) Subsection (1) does not require municipalities to adopt an intermunicipal development plan with each other if they agree that they do not require one, but any of the municipalities may revoke its agreement at any time by giving written notice to the other or others, and where that notice is given the municipalities must comply with subsection (1) within one year from the date of the notice unless an exemption is ordered under subsection (3).

(8) An intermunicipal development plan

(a) must address

(i) the future land use within the area,

(ii) the manner of and the proposals for future development in the area,

(iii) the provision of transportation systems for the area, either generally or specifically,

(iv) the co-ordination of intermunicipal programs relating to the physical, social, and economic development of the area,

(v) environmental matters within the area, either generally or specifically, and

(vi) any other matter related to the physical, social, or economic development of the area that the councils consider necessary, and

(b) must include

(i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,



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(ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and

(iii) provisions relating to the administration of the plan.

The procedure for adopting an Intermunicipal Development Plan is described in Section 692 of the Municipal Government Act.

Section 631 of the Municipal Government Act states, in part:

~~Two or more councils may, by each passing a bylaw . . . adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.~~

~~(1) — An intermunicipal development plan~~

~~(a) — may provide for;~~

~~(i) — the future land use within the area;~~

~~(ii) — the manner of and the proposals for future development in the area, and~~

~~(iii) — any other matter relating to the physical, social or economic development of the area that the councils consider necessary;~~

~~and~~

~~(b) — must include~~

~~(i) — a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan;~~

~~(ii) — a procedure to be used, by one or more municipalities, to amend or repeal the plan, and~~

~~(iii) — provisions relating to the administration of the plan.~~

The procedure for adopting an Intermunicipal Development Plan is described in Section 692 of the Municipal Government Act.

2.7 Subject Area Boundary



The lands within the Town of Smoky Lake and Smoky Lake County to which this plan applies are identified on **Map 5.1 – Future Land Use Concept**.

2.8 Subject Area Profile

Location and History

The Town of Smoky Lake is located approximately 115 km north-east of the City of Edmonton, approximately 80 km north-east of the Alberta’s Industrial Heartland area, and approximately 175 km west of Cold Lake. Historically, the Town has served as an agricultural service centre for the surrounding area. It continues to provide important social, educational, health, and business services to neighbouring rural and agricultural communities.

With the removal of the rail line through Smoky Lake and the demolition of the grain elevators, an important element of the Town’s agricultural services ended. The transformation of the rail line into the Iron Horse Trail, a multi-use trail system managed and maintained by a not-for-profit organization representing the ten municipalities through which the trail passes, provides the Town of Smoky Lake the opportunity to act as a tourist service centre for trail users.

Major resource extraction and industrial development in Alberta has had a significant impact on the Town of Smoky Lake. While the Town does not currently include major resource extraction or industrial developments, many Town residents work in natural resource extraction industries, or for industries outside of the Town. Although indirect, regional resource extraction and industrial developments are important factors in the Town’s social and economic viability.

Environmental Characteristics

The Town of Smoky Lake is in a shallow valley draining into White Earth Creek, located approximately one kilometre north of the Town boundaries. A tributary creek runs through the northern portion of the community, providing wildlife habitat and low-impact recreational opportunities. Small stands of mixed boreal forest are located along the creek.

Information about the soil capability and local features within the plan area is included in Appendix A for information. This information was analyzed to determine the suitability of future land uses within the plan area.

Most undeveloped lands within the plan area are used for agriculture, with some low-lying wet areas and small mixed tree stands.

Transportation

- The IDP area encompasses two Provincial Highways: 855 which travels north/south, and 28, which travels east/west. The Town straddles 855 (which becomes 50th Street) and is nestled south and east of Highway 28.
- County-managed roads are managed to a gravel rural standard, and/or in accordance with County Road management policies.
- The multi-use Iron Horse Trail transects the Town, following the former CN Rail lands.
- In the southeast of the IDP area, there is a privately owned and operated grass airstrip, which is governed by Transportation and NAV Canada regulations.
- There is not presently a municipal public transit service in-place within the policy area, though third-party groups such as the Lions Club do operate a bus.

Existing Land Uses

Within the Town are a variety of planned land uses. Residential development in the Town of Smoky Lake primarily consists of ~~low density, single family~~low-density, single-family dwellings, although several medium density multi-family developments exist in the Town. Residential development adjacent to the town consists of country residential style housing, on acreage-style lots and in association with agricultural operations.

Commercial developments within the Town include downtown shops and services, ~~highway oriented~~highway-oriented businesses, and large lot developments.

Recreational and community use developments in the Town and the subject area include a wide range of parks (small ~~neighbourhood-oriented~~neighbourhood-oriented parks and large multi-purpose sport facilities), trail networks (community pathways and the Iron Horse Trail), campgrounds, golf course, schools and churches.

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Introduction



Municipal Services

The Town of Smoky Lake provides full infrastructure services to ~~the majority of most~~ of the community including storm and sanitary sewer, potable water and garbage collection. ~~The majority of Most~~ roadways within the Town are developed to an urban standard (paved with sidewalks). Town residents can recycle waste materials at the County transfer stations.

A wide variety of ‘soft’ services exist within the Town and the subject area, including:

- Provincial government buildings,
- a hospital (with heli-pad),
- an auxiliary hospital and lodge,
- a regional volunteer fire department,
- multiple recreational facilities,
- an extensive trail network,
- schools,
- churches,
- a regional library,
- campgrounds,
- a golf course,
- a museum, and
- a regional agricultural society.

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2.9 — Public Consultation

Public Open House #1

~~A public open house was held on January 20, 2014 at the Town of Smoky Lake Curling Rink. The purpose of this meeting was to inform local residents and stakeholders about the Town of Smoky Lake + Smoky Lake County Intermunicipal Development Plan project and the Smoky Lake Region regional collaboration initiatives. This meeting was also used to gather local knowledge about past, present and anticipated future development patterns, opportunities and issues in the subject area. Approximately 10 people were in attendance for this meeting.~~

Public Open House #2

A second public open house was held on June 2, 2015 in the Smoky Lake Curling Club. The purpose of this open house was to review the proposed Intermunicipal Development Plan with the community and stakeholders prior to the formal adoption of the Plan by the Councils of the Town of Smoky Lake and Smoky Lake County.

Introduction



3 Intermunicipal Growth

3.1 General Land Use Policies

1. Future subdivision and development shall be in accordance with this plan. Major deviations shall require an amendment to this plan. Minor relaxations may be considered without an amendment to this plan where the proponent can demonstrate to the satisfaction of the approving body and the Intermunicipal Planning Committee that the subdivision or development would maintain the intent of the policies contained within this plan.

However, if the Intermunicipal Planning Committee makes a recommendation on a relaxation to this plan to a Council or an approving authority, that Council or authority shall strongly consider such recommendation.

2. The partner municipalities agree to work with development proponents and Alberta Transportation and Alberta Environment & Parks to encourage the preparation of area structure plans and/or development concept plans where required by this plan to assure certainty of land use and development standards.
3. New applications for confined feeding operations in subject area, or applications for the expansion of any existing confined feeding operations in the subject area, shall not be discouraged due to the proximity of residential areas of the Town.
4. The Town and County will work together to provide an adequate inventory of suitable lands to attract a broad range of business and appropriate ~~industry, and~~ industry and will encourage industries that generate large volumes of traffic or substantial traffic loads (in terms of either bulk or weight or potential hazard) to locate in such a manner as to minimize any traffic impact, such as the need for traffic to travel through the Town.
5. Subdivision applicants shall dedicate a minimum of 30 metres of environmental reserve, in accordance with the provisions of the Municipal Government Act, adjacent to major bodies of water. At the sole discretion of the Subdivision Authority for the affected municipality the amount of environmental reserve required may be varied to accommodate unique site

conditions such as steep slopes, bank instability, or pre-existing development.

6. Subdivision applicants will be required to dedicate the full amount of Municipal Reserve owing in the forms provided for in the Municipal Government Act. The Town and County will consider establishing ~~jointly administered~~ jointly administered cash-in-lieu of municipal reserve fund into which reserve proceeds in the subject area would be placed for the purposes of undertaking capital works on regional recreational facilities.
7. The Smoky Lake County shall require a Development Concept Plan be prepared and approved prior to the approval of any major development within that portion of the plan area. That Development Concept Plan may be in the form of an Area Structure Plan considered and adopted pursuant to the Municipal Government Act.
8. For the purposes of implementing this policy, the definition of the term “major” shall be as agreed upon by the consensus of Town and County staffs, but shall not include development which had been appropriately classified in the municipality’s Land Use Bylaw as of the date of the approval of this plan. If they cannot agree, the definition of the term shall be considered and determined by the Intermunicipal Planning Committee.

3.2 Agricultural Land Use

The **Agricultural Land Use Area** identifies portions of the plan area that are currently used for agricultural or country residential purposes and lands that may be suitable for future agricultural developments.

The following policies apply to land within the **Agricultural Land Use Area**:

1. The Agricultural Land Use Area shall be those lands within the IDP area identified as Agricultural on **Map 5.1 – Future Land Use Concept**.
2. Agricultural operations in the Plan area are to be protected from encroachment by either competing or conflicting developments resulting from the premature conversion or agricultural land to other land uses.
3. Extensive Agriculture will be allowed within the plan area. Intensive agriculture (excluding confined feeding operations) will be allowed, where provided for in the County’s Land Use Bylaw. Subdivision and development applications for new intensive agriculture developments and the expansion

of existing intensive agricultural developments will be circulated to the IPC for comments prior to the issuance of a decision by the County's approving (subdivision or development) authority. The IPC will review the application in relation to potential environmental and infrastructure impacts such as: siting of the proposed development in relation to prevailing winds, adjacent land uses, and the impacts on the transportation network.

4. Country Residential development may occur within the Agricultural Land Use Area at the discretion of the Subdivision Authority where provided for in the County's Land Use Bylaw.
5. Multi-lot Country residential development (more than 5 (five) country residential parcels per quarter section) will only be allowed in the areas designated Serviced and Un-serviced Residential on **Map 5.1 – Future Land Use Concept**.

3.3 Residential Land Use

The **Future Serviced and Un-Serviced Residential Use Area** has been applied to that portion of the plan area that is currently developed or identified for future urban residential and/or country residential development.

Land within the **Future Serviced and Un-Serviced Residential Use Area** is generally intended for future residential development. For the purposes of this plan urban residential development is generally considered municipally serviced residential development while country residential development is considered residential development that is not serviced by municipal service; specifically, municipal sewer, water, and storm water management systems.

The following policies apply to land within the Future Serviced and Un-Serviced Residential Use area indicated on **Map 5.1 – Future Land Use Concept**.

1. The Future Serviced and Un-Serviced Residential Use areas shall be those lands within the Town of Smoky Lake and Smoky Lake County identified as Future Serviced or Un-Serviced Residential Use on **Map 5.1 - Future Land Use Concept**.
2. Undeveloped land designated for **Serviced or Un-Serviced Residential Use** development shall be buffered from uses that may have negative effects on future urban development by virtue of odour, heat, vibration, visual impact,

noise or light. This does not apply to such effects that arise in the course of normal, non-intensive farm operations.

3. Multi-lot residential developments are to be predominantly residential in nature. No developments will be approved either within the residential area or adjacent to the residential which would, in the opinion of the Town or County, negatively impact the Future Serviced or Un-Serviced Residential Area.
4. New multi-lot country residential development within the subject area, for the purposes of this plan shall be considered the development of more than 5 (five) lots without municipal piped sewage collection and water supply services within any quarter section, subject to the policies in **Section 3.2** of this plan.
5. Multi-lot country residential development to create more than (5) five parcels per quarter section shall be allowed only after amendment to the County's Land Use Bylaw, placing the lands where such development may occur into an appropriate Residential District.
6. The regulations for residential and accessory development in multi-lot residential and country residential developments shall be provided for in the Smoky Lake County Land Use Bylaw.
7. The following policies shall apply to multi-lot residential and country residential development applications and designs:
 - a. internal road access shall be provided to each lot;
 - b. the minimum parcel size for serviced residential lots shall be the minimum lot size indicated in the Town's Land Use Bylaw for residential lots; and
 - c. the minimum parcel size for un-serviced country residential lots shall be 0.4 ha (1.0 acre), and the normal maximum parcel size shall be 1.21 ha (3.0 acres); and subdivision proposals shall indicate the location of development areas within lots as well as the natural areas on the lots.
8. Multi-lot country residential redistricting and subdivision proposals shall address potential conflicts with existing agricultural operations and proposed industrial and commercial operations that may occur on lands

designated for industrial or commercial development, and shall indicate how these potential conflicts will be resolved or mitigated.

9. Within the rest of the subject area, the Town and/or County may require a Development Concept Plan or Area Structure Plan be prepared and approved prior to the approval of any amendment to the Land Use Bylaw to allow a multi-lot residential subdivision of more than 5 (five) residential lots within any residential area without municipal piped sewage collection and water supply services within any quarter section.

3.4 Commercial Land Use

The **Serviced and Un-Serviced Commercial Use Areas** identify portions of the subject area that are currently developed or identified for future commercial development. The following policies apply to land within Future Serviced and Un-Serviced Commercial Use areas identified on **Map 5.1 – Future Land Use Concept**.

1. The **Serviced and Un-Serviced Commercial Use Areas** shall be those lands within the Town and County identified as Serviced Commercial and Serviced & Un-Serviced Commercial Use on **Map 5.1 - Future Land Use Concept**.
2. Lands designated Serviced Commercial Use may develop in a range of uses which serve local and regional customers, and connects to piped municipal water and sanitary services. These uses include but are not limited to:
 - a. hotels and motels
 - b. food/beverage establishments
 - c. gas bars/service stations
 - d. travel information centres
 - e. car washes
 - f. souvenir shops
 - g. personal service establishments within a hotel/motel
 - h. retail stores with no more than approximately 200 sq. m of retail floor space
 - i. vehicle or recreational equipment sales and service

- j. recreational establishments
- k. drive-through businesses
- l. bus depots
- m. bulk fuel storage and distribution
- n. equipment sales, service and rentals
- o. manufactured and modular home sales and service
- p. public or quasi-public uses
- q. surveillance suites
- r. accessory uses or buildings

3. Lands designated **Serviced & Un-Serviced Commercial Use** may develop in a range of large lot highway-oriented commercial uses which serve local and regional customers.
4. Smoky Lake County may require that a Development Concept Plan or Area Structure Plan be prepared and approved prior to the approval of any amendment to the Land Use Bylaw to allow a substantial commercial development within 1.6 km (1.0 mile) of the boundary of the Town of Smoky Lake.

3.5 Industrial Land Use

The **Serviced Industrial Use Area** and the **Un-Serviced Industrial Use Area** identifies portions of the subject area that are currently developed or identified for future industrial development. The following policies apply to land within the **Serviced Industrial Use Area** and the **Un-Serviced Industrial Use Area** on MAP 5.1 – Future Land Use Concept.

1. The **Serviced Industrial Use Area** and the **Un-Serviced Industrial Use Area** shall be those lands within the County identified as **Serviced Industrial Use Area** or **Un-Serviced Industrial Use Area** on Map 5.1 - Future Land Use Concept.
2. Land designated **Serviced Industrial Use** may develop in a wide range of light industrial uses, and will be connected to piped municipal water and sanitary

services. Land uses that may be suitable for the area may include but are not limited to:

- a. natural resource processing industries,
- b. grain elevators,
- c. manufacturing, processing, storage, packaging, or assembly of goods or materials, including petroleum products, chemical and associated products, pulp and paper products, fertilizer, or animal by-products,
- d. warehousing, storage, receiving, or distributing facilities,
- e. metal processing or fabrication operation or storage,
- f. agricultural services,
- g. auctioneering,
- h. bulk fuel storage and distribution,
- i. accessory offices,
- j. commercial greenhouses,
- k. transportation and public utility facilities/buildings,
- l. accessory surveillance suites,
- m. public utilities,
- n. public or quasi-public uses (e.g., municipal equipment and maintenance yards), and
- o. accessory uses or buildings,

provided that any nuisance such as odour, noise, glare, vibration, heat, smoke, or effluent is confined to the site of the establishment or within the applicable **Serviced Industrial Use**, or substantially mitigated in accordance with the policies and/or regulations and/or design of a Development Concept Plan or Area Structure Plan, especially in those areas in proximity to existing or proposed residential areas or in proximity to the Town.

In this respect, individual developments will not necessarily be precluded; however, extra precautions shall be required such as requiring a warning system or so-called “disaster plan” should the need arise.

3. Land designated **Un-Serviced Industrial Use** may develop in a wide range of light industrial or rural industrial uses, and will utilize onsite water and sanitary systems.
4. Smoky Lake County may require a Development Concept Plan or Area Structure Plan be prepared and approved prior to the approval of any amendment to the Land Use Bylaw to allow a substantial rural industrial development within 1.6 km (1.0 mile) of the boundary of the Town of Smoky Lake.
5. For the purposes of implementing this policy, the definition of the term “substantial” shall be as agreed upon by the consensus of Town and County staffs. If they cannot agree, the definition of the term shall be considered and determined by the Intermunicipal Planning Committee.

3.6 Community Land Use Area

The **Community Use Area** identifies that portion of the subject area that is currently developed for community or recreational uses. It is the intent of this plan that this area continue to be used for community and recreational purposes to provide benefit to both the Town and County. The following policies apply to land within the **Community Use Area on Map 5.1 – Future Land Use Concept**.

1. The **Community Use Area** shall be those lands within the Town identified as Future Community Use area on **Map 5.1 - Future Land Use Concept**.
2. Land designated Future Community Use may develop in a wide range of community uses. Land uses that may be suitable for the area are limited to the permitted and discretionary uses listed in the appropriate land use districts of the Town of Smoky Lake and Smoky Lake County Land Use Bylaws.
3. Some residential development may also be permitted in the Community Use Area if the proposed development is consistent with applicable provisions in the Smoky Lake County Land Use Bylaw, federal regulations and provincial regulations.

3.7 Municipal Services and Road Policies

1. The Town of Smoky Lake and Smoky Lake County shall establish strategies and standards for the orderly, efficient and economical extension of wastewater collection, water distribution systems, storm water management, and roads within the subject area.
2. Some of the development strategies within the subject area are closely connected to the ability and need for municipal piped services.
3. Future servicing with municipal piped services may be required within the Future Residential Use area. If such services are not available due to cost or capacity limitations or other reasons, the area shall not be developed for serviced residential purposes unless it meets a minimum agreed residential development standard.
4. Where it is deemed appropriate, necessary and/or desirable, further to this plan, the Town and County will endeavor to enter into agreements respecting municipal piped services in the subject area.
5. Where proposed developments may impact intersections between Provincial highways and municipal roads, as shown on **Map 5.2 – Major Intersections**, additional consultation with Alberta Transportation will be required prior to approval by the Town and/or County. This consultation may include the preparation of a Traffic Impact Assessment satisfactory to Alberta Transportation. All costs of the TIA and any corresponding intersection improvements will be the responsibility of the developer/proponent.
6. The Town and the County will continue to work cooperatively with Alberta Transportation to identify and mitigate traffic impacts and identify the scheduling of necessary improvements at the intersections of highways and municipal roads as shown on **Map 5.2 – Major Intersections**.

3.8 Social Services

Social services within the Plan area are provided by provincial agencies, not-for-profit and volunteer organizations and by the Town, the County and in some instances the Town and the County collaboratively. Currently the following social services are joint Town/County initiatives:

- The Foundation
- Recreation
- Emergency Services
- Ag Society

1. The Town and the County will continue to work cooperatively to provide social services to community members within the Smoky Lake region.
2. The Town and the County will endeavor to explore opportunities for expanding joint service provisions.

3.9 Emergency Services

Emergency Services within the plan area are provided by the following agencies and organizations:

- [RCMP-Police Service](#)
- [Aspen-Lakeland](#) Regional Health
- Smoky Lake Volunteer Fire Department (with fire halls in the Village of Vilna, the Town of Smoky Lake & the Village of Waskatenau)

1. The Town and the County will continue to work collaboratively to provide fire and rescue services to the region.

3.10 Development Concept Plans & Area Structure Plans

1. A Development Concept Plan or Area Structure Plan may describe, outline, or provide, among other matters, in text and map form:
 - a. a definition of the affected area and a description of the relationship between the affected area and surrounding lands;
 - b. an indication of the proposed land uses and the area of each land use;
 - c. an indication of the total number of dwelling units proposed on the quarter section (if applicable);

- d. policies and plans addressing buffering from adjacent land uses which may be affected by or which may affect a residential community (if applicable);
- e. policies respecting phasing, if any, including an indication of which lots will be developed first and how the development of these lots will be designed specifically to allow for further development of the subject quarter section into residential lots;
- f. policies respecting environmental protection, habitat, ecological conservation, effect on the adjacent agricultural community, including any existing or potential confined feeding operations;
- g. policies and plans addressing natural and man-made limitations to development such as flood susceptibility, bank subsidence, erosion, railway lines, oil and gas wells, pipelines, and other facilities (including active, inactive, abandoned, and decommissioned facilities, sour gas, etc.), gravel operations or resources, airports, agricultural operations, historical resources, other nearby land uses, etc.;
- h. policies respecting built form, amenities, aesthetics, landscaping, architecture, buffering from potential limiting factors, dealing with the potential for land use conflict, etc.;
- i. policies and plans for necessary water supply, sanitary sewage disposal, and storm water management;
- j. as required, policies relating to:
 - i. the impact on adjacent land uses;
 - ii. the impact on community services, such as fire protection;
 - iii. the municipal servicing costs associated with the development, and landscaping; and
 - iv. wetland mitigation.
- k. a Phase I Environmental Assessment, describing the possibility of contamination within the subject area and, if the Phase I indicates, a Phase II Environmental Assessment, describing the extent of any contamination within the subject area and the means of mitigation;

- l. engineering information in sufficient detail to show how that is to be done;
- m. if the development is to provide water by a municipal piped water supply system, engineering information showing how that is to be done;
- n. if the development is to be supplied with water by means other than a municipal piped water supply system, a report which would satisfy the requirements of Section 23(3)(a) of the Water Act;
- o. an assessment of the general suitability of the Plan area for sewage disposal by tile field (percolation tests);
- p. a determination of any flood plains relating to any water bodies within or adjacent to the subject site, including a description as to how any flood plain lands will be made suitable for development without transferring the flood hazard to other lands;
- q. an assessment of the stability of any banks (either steep slopes or watercourse valleys) within or adjacent to the subject site, including a description as to how any bank stability hazards will be mitigated without transferring the stability hazard to other lands;
- r. A wetland assessment (prepared by a certified wetland professional) that delineates and classifies wetlands (onsite and offsite) that will be impacted by the proposed development.
- s. if within 0.8 km of a Highway, a Traffic Impact Assessment, indicating the vehicular generation from the development at various stages of development, and any roadway improvements that may be necessary on adjacent and nearby roads and Highways (and on their intersections) resulting from that vehicular generation;
- t. an assessment of the site, indicating
 - i. how Environmental Reserves, Environmental Reserve Easements, Municipal Reserves, and other land management tools are to be used to protect significant biophysical sites;

- ii. how all Provincial and Federal legislation and regulations are to be adhered to respecting wetlands, habitat, and environmentally sensitive lands;
 - u. an assessment of all other limitations to development, including potential and actual land use conflicts, which have been identified, indicating how the limitations and conflicts are to be accommodated, dealt with, and/or overcome; and
 - v. other policies and plans as may be indicated by the proponent or the municipality to address any unique circumstances of the Development Concept or Area Structure Plan area.
- 2. The level of detail required in a Development Concept Plan or Area Structure Plan shall be as agreed upon by the consensus of Town and County staffs. If they cannot agree, the definition of the term shall be considered and determined by the Intermunicipal Planning Committee.
- 3. The process for considering a Development Concept Plan or Area Structure Plan for approval will be the same as for a major development proposal. The approving authority shall be the Council of the municipality in which the site of the Development Concept Plan or Area Structure Plan is located.



4 Plan Implementation

4.1 Implementation Policies

The Councils of the Town of Smoky Lake and Smoky Lake County have agreed to the following implementation policies which will be used in implementing the policies contained in this plan.

4.2 Plan Amendments

1. An amendment to this plan may be proposed by either municipality. An amendment to the plan proposed by a landowner shall be made to the municipality in which the subject land is located.
2. An amendment to this plan has no effect unless it is adopted by both municipalities by bylaw.

4.3 Annexation

1. There will continue to be a boundary between the Town of Smoky Lake and Smoky Lake County for administration of services such as maintenance of infrastructure, waste management, development control, weed control, etc.
2. There is a need for periodic expansion of the urban area, and thus the Town of Smoky Lake, by annexation. Annexations will occur from time to time in a positive, orderly, and timely manner with an agreed-upon process where there is a clear need for Town annexation to provide more land for urban development.
3. The Town of Smoky Lake shall demonstrate reasonable need for annexation through appropriate growth studies to support annexation applications.
4. Each municipality shall protect lands identified in the plan suitable for municipal piped services from land uses and developments that might unduly interfere with and create conflict with future urbanization.
5. Both municipalities shall follow the annexation process as outlined in the Municipal Government Act current at the time an annexation application is made.



4.4 Cost/Revenue Sharing Schemes

1. Any agreements for cost and revenue sharing shall be to benefit the future development of land within the plan’s subject area.
2. The Town and County will explore cost and revenue sharing opportunities as development occurs and through the review and approval process of each Development Concept Plan or Area Structure Plan.

4.5 Framework

1. This plan is conceptual. Its policies do not delve into the fine details of land use, servicing, or implementation but instead set out a framework of guidelines for municipal planning policies.
2. The Town of Smoky Lake and Smoky Lake County will co-operate in pursuing mutually beneficial economic development initiatives that would attract investment and create employment opportunities in the Smoky Lake Region.
3. **Map 5.1 – Future Land Use Concept** of this plan will be the primary land use document supplemented by implementation tools such as Development Concept Plans and Area Structure Plans. The Town of Smoky Lake and Smoky Lake County shall amend their respective Municipal Development Plans and Land Use Bylaws as necessary to be consistent with the policies and provisions of this plan.

4.6 Establishment of the Intermunicipal Planning Committee

1. The Intermunicipal Planning Committee (IPC) will be established upon Third Reading of the Bylaws adopting this plan.
2. The Intermunicipal Planning Committee will not be a decision-making body, but will submit recommendations to the approving bodies of the respective municipalities, striving for consensus as much as possible.
3. The Intermunicipal Planning Committee will be comprised of two (2) members each of the Councils of the Town of Smoky Lake and Smoky Lake County. The ICP will select its own chairman and vice-chairman. The Councils may appoint alternative members, should any member not be able to attend Committee meetings. Additionally, the Chief Administrative Officer or the Development Officer of each municipality shall be ex-officio members of the Committee.



4. The Intermunicipal Planning Committee shall establish its own rules of procedure, including its own schedule of meetings, with meetings being held as required.

4.7 Intermunicipal Planning Committee

1. Upon the referral of a matter, the Intermunicipal Planning Committee will schedule a meeting and the administrations of the County and the Town will present their positions on the matter to the Committee.
2. After consideration of a matter, the Committee may:
 - a. provide suggestions to both administrations with respect to revisions to the matter that should be considered to make it more acceptable to both municipalities;
 - b. if possible, agree on a consensus position of the Committee in support of or in opposition to the matter, to be presented to both Councils;
 - c. conclude that no initial agreement can be reached and that a consensus position of the Committee will not be presented to both Councils;
 - d. if agreed to by both Municipalities, employ a facilitator to help the Committee work toward a consensus position;
 - e. if a matter cannot be satisfactorily processed following a Committee review, refer the matter to both Councils; or undertake any other action it deems reasonable.
3. The Intermunicipal Planning Committee shall not deal with all development matters within the Town of Smoky Lake + Smoky Lake County Intermunicipal Development Plan subject area. Rather, it will deal with all matters referred to it in the manner described in **Section 4.7** of this plan.
4. The Intermunicipal Planning Committee has the following functions:
 - a. to clarify the intent and interpretation of the plan;
 - b. to develop specific strategies related to the provision of infrastructure, service provision, cost sharing, etc. for proposed subdivision and development in the subject area that reflect the policies and guidelines set out in this plan;



- c. to review and comment on applications to amend this plan;
- d. to review and comment on development matters referred to it in accordance with this plan; and
- e. to undertake such other matters as it deems reasonable and as are referred to it by either Council or municipal administration.

- 5. The Town of Smoky Lake and Smoky Lake County agree that the County's Subdivision Authority and Development Authority will notify the Intermunicipal Planning Committee of applications received within subject area and that the Town's Subdivision Authority and Development Authority will notify the Intermunicipal Planning Committee of applications within the subject area.
- 6. Each municipality's Subdivision Authority and Development Authority will deal with an application within their own boundaries in accordance with the policies of this plan.
- 7. Depending on the nature of the proposed subdivision or development, the Intermunicipal Planning Committee may provide recommendations related to the proposed development or subdivision.

4.8 Dispute Resolution/Mediation Procedures

- 1. The dispute resolution process for matters related to this plan is outlined in this section. The emphasis of the dispute resolution process is mediation at the municipal level prior to an appeal to the Municipal Government Board and Land and Property Rights Tribunal. This process ~~is based on an assumption~~ assumes that the two parties may have significant differences of opinion on any ~~particular matter~~ matter and that third-party assistance may be necessary to help resolve the disputes.
- 2. For the purposes of this plan, a dispute is defined as a disagreement between the Town of Smoky Lake and Smoky Lake County on any statutory plan, any Land Use Bylaw, or any amendment to any statutory plan or Land Use Bylaw which is given First Reading by a Council, or any subdivision or development permit application, or any scheme for the provision of municipal services, which the other municipality deems may be inconsistent with the goals, objectives, and policies of this plan.



3. Decisions on all disputes will be made by the respective municipalities in accordance with the provisions of this plan and the Municipal Government Act, but with review as indicated in **Section 4.7.5** of this plan.
4. The Town of Smoky Lake and Smoky Lake County agree to consider the establishment of an Intermunicipal Subdivision and Development Appeal Board to deal with appeals arising from subdivision or development permit decisions within the subject area.
5. Disputes shall be addressed and shall be resolved through any of the following mechanisms either singularly or in combination with each other:
 - a. Administrative Review
 - b. Intermunicipal Planning Committee
 - c. Municipal Councils
 - d. Mediation
 - e. Non-binding Arbitration
 - f. Appeal Process – Intermunicipal Dispute or Subdivision and Development Appeal Board
 - g. Court Option
6. In the event of a dispute, the applicant municipality will not give approval to the matter in any way (e.g., development permit or subdivision approval, or Second or Third Reading of a bylaw) until the dispute is past the mediation stage.
7. The time limitations and legislative requirements as may be specified from time to time in the Municipal Government Act will be respected in relation to the administration of this dispute resolution procedure and may supersede the time processes provided for in this plan.

4.9 Administrative Review

1. The municipality within which any development, subdivision, land use bylaw amendment, servicing scheme, or other matter is proposed (hereinafter referred to as “the applicant municipality”) will provide complete information concerning the matter to both the other municipality and to the Intermunicipal



Planning Committee. The other municipality (hereinafter referred to as “the responding municipality”) will undertake an evaluation of the matter and provide comments to the administration of the applicant municipality.

2. If there is any concern, the two administrations shall discuss the issue and attempt to resolve the matter.
3. If the administrations resolve the concern, the responding municipality will formally notify the applicant municipality and the Intermunicipal Planning Committee, and the applicant municipality will take the appropriate actions to consider approving the matter.
4. ~~In the event that~~if the issue is not resolved at the administrative level, the applicant municipality’s administration shall refer the matter to the Intermunicipal Planning Committee.
5. Upon the referral of a matter, the Intermunicipal Planning Committee will schedule a meeting and the administrations of the Town and County will present their positions on the matter to the Committee.
6. After consideration of a matter, the Committee may:
 - a. provide suggestions to both administrations with respect to revisions to the matter that should be considered to make it more acceptable to both municipalities;
 - b. if possible, agree on a consensus position of the Committee in support of or in opposition to the matter, to be presented to both Councils;
 - c. conclude that no initial agreement can be reached and that a consensus position of the Committee will not be presented to both Councils;
 - d. if agreed to by both Municipalities, employ a facilitator to help the Committee work toward a consensus position;
 - e. if a matter cannot be satisfactorily processed following a Committee review, refer the matter to both Councils; or
 - f. undertake any other action it deems reasonable.

4.10 Municipal Councils



1. After receiving the recommendations of the Intermunicipal Planning Committee with respect to a particular matter, each Council will establish a position on the matter.
2. If both municipal Councils ~~are in agreement~~ agree on a matter, then the consideration of approval (including, if necessary, an amendment process) can be completed. If neither Council supports the matter, then no further action will be undertaken.
3. If the Councils cannot agree on a matter, then the matter may be referred to a mediation process.
4. ~~In the event that~~ If the matter goes to mediation, the applicant municipality will not give any approval to the matter until mediation has been pursued.

4.11 Mediation

1. The following will be required before a mediation process can proceed:
 - a. agreement by both Councils that mediation is necessary;
 - b. appointment by both Councils of an equal number of elected officials to participate in a mediation process;
 - c. engagement, at equal cost to both municipalities, of an impartial independent mediator agreed to by both municipalities; and
 - d. approval by both municipalities of a mediation schedule, including the time and location of meetings and a deadline for the completion of the mediation process.
2. If agreed to by both municipalities, any members of the Intermunicipal Planning Committee or administrative staff from either municipality who are not participating directly in the mediation process may act as information resources either directly or indirectly to the mediation process.
3. All participants in the mediation process will be required to keep details of the mediation confidential until the conclusion of the mediation.
4. At the conclusion of the mediation, the mediator will submit a mediator's report to both Councils.



5. If a mediated agreement is reached, then that agreement will be referred to both Councils for action. Both Councils will consider the mediator's report and the respective positions of the municipal administrations with respect to the mediated agreement. Any mediated agreement will not be binding on either municipality and will be subject to the formal approval of both Councils.
6. If no mediated agreement can be reached or if both Councils do not approve a mediated agreement, then a non-binding arbitration process as described below may be initiated.

4.12 Non-Binding Arbitration

1. The following will be required before a non-binding arbitration process can proceed:
 - a. agreement by both Councils that non-binding arbitration is necessary;
 - b. appointment by both Councils of officials to participate in the non-binding arbitration process;
 - c. engagement, at equal cost to both municipalities, of an impartial and independent arbitrator agreed to by both municipalities; and
 - d. approval by both municipalities of an arbitration schedule, including the time and location of meetings and a deadline for the completion of the process.
2. At the conclusion of the non-binding arbitration, the arbitrator will submit a report to both Councils.
3. If both Councils agree, then the arbitrator's recommendations will be implemented by the Council or Councils as necessary. Any arbitrator's decision will not be binding on either municipality unless both municipalities concur, and will be subject to the formal approval of both Councils.
4. If no agreement can be reached to abide by the arbitrator's decision or if both Councils do not approve the arbitrator's recommendation, then an appeal process may be initiated if provided for under the provisions of the Municipal Government Act. If there is no appeal process available, then the applicant municipality may proceed with any approvals as are allowed.



4.13 Appeal Process – Intermunicipal Dispute or Subdivision and Development Appeal Board

1. ~~In the event that~~ If the mediation process fails, the applicant municipality may approve the matter (e.g., a Land Use Bylaw amendment, a development permit approval, etc.).
2. If the applicant municipality passes a bylaw to implement the matter, then the responding municipality may appeal that action to the [Land and Property Rights Tribunal](#)~~Municipal Government Board~~ under the provisions of Section 690 of the Municipal Government Act in accordance with that Act.
3. If the appeal of the matter is to the applicant municipality's Subdivision and Development Appeal Board, the responding municipality may appeal that action to the Subdivision and Development Appeal Board as it sees fit.
4. If there is no appeal available pursuant to the Act, then the responding municipality may wish to pursue a Court option.

4.14 Court Option

1. After any action by the ~~Municipal Government Board~~[Land and Property Rights Tribunal](#), or the applicant municipality's Council or Subdivision and Development Appeal Board from which there is no further appeal, the responding municipality will have the option, should it so choose, of undertaking a court challenge of the matter.

~~4.15 Intermunicipal Development Plan Termination~~

- ~~1. The plan is renewable by resolution of both Councils before the 5th anniversary of the third reading of the Bylaws adopting this plan and every 5 years thereafter. Failure to renew this plan by both municipalities by the 5th anniversary will cause the plan to lapse and cease to exist.~~

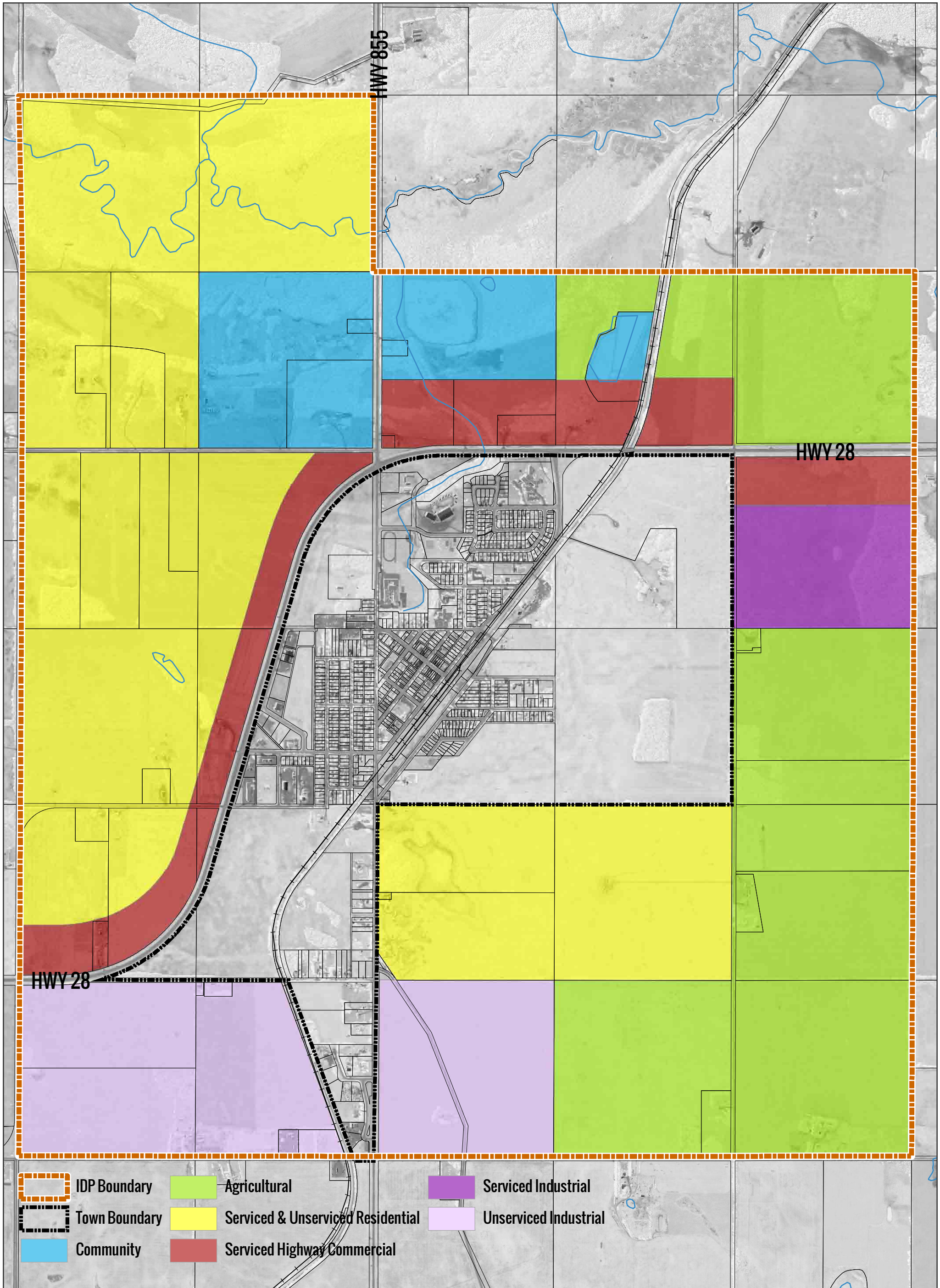
5 Maps

5.1 – Future Land Use Concept

5.2 – Major Intersections

Implementation





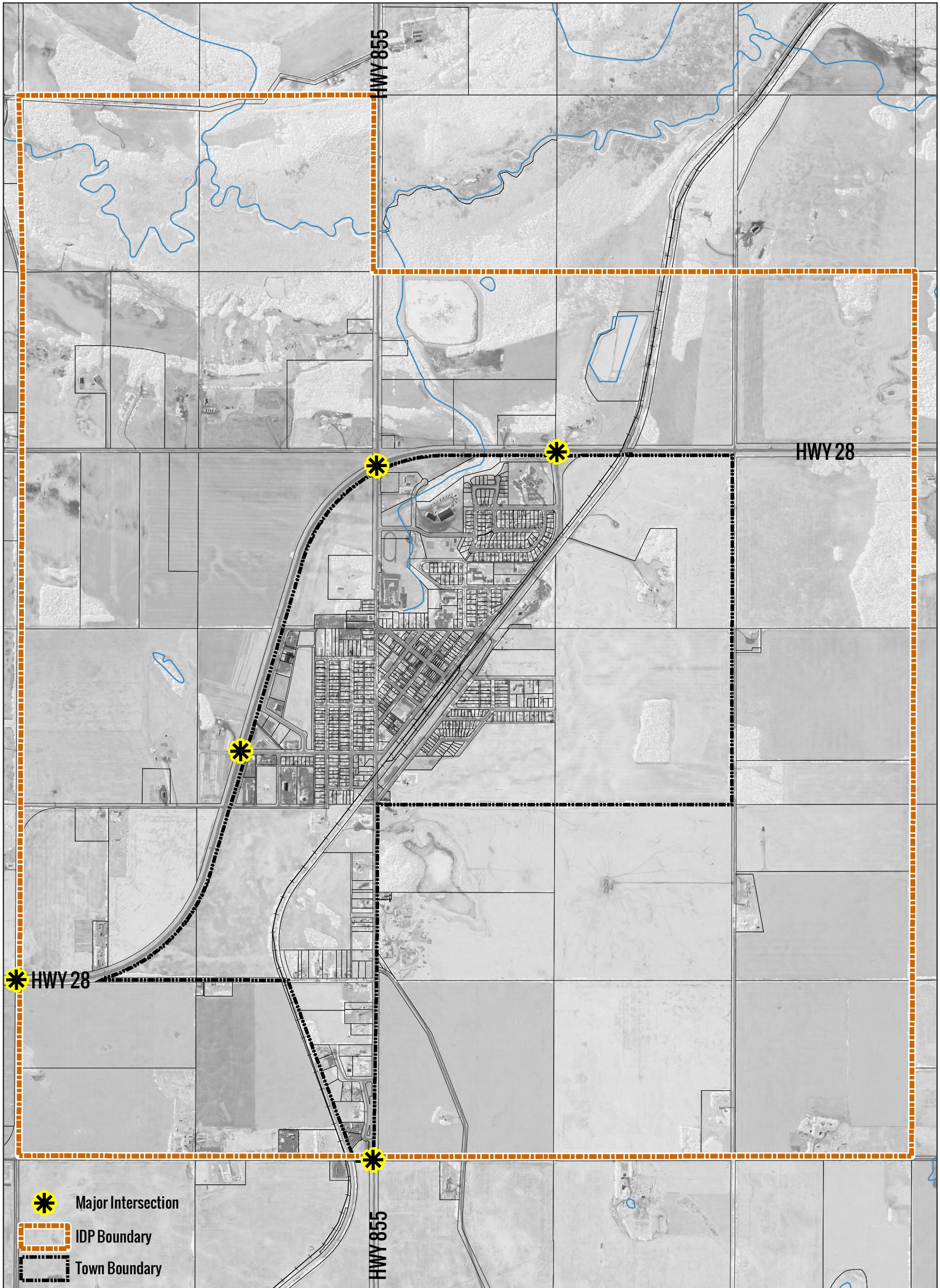
- IDP Boundary
- Town Boundary
- Community
- Agricultural
- Served & Unserved Residential
- Served Highway Commercial
- Served Industrial
- Unserved Industrial

Town of Smoky Lake + Smoky Lake County IDP

Map 5.1 - Future Land Use Concept

Digital Information: Geogris and Altalis
 Projection: UTM NAD 83 12N





Town of Smoky Lake + Smoky Lake County IDP

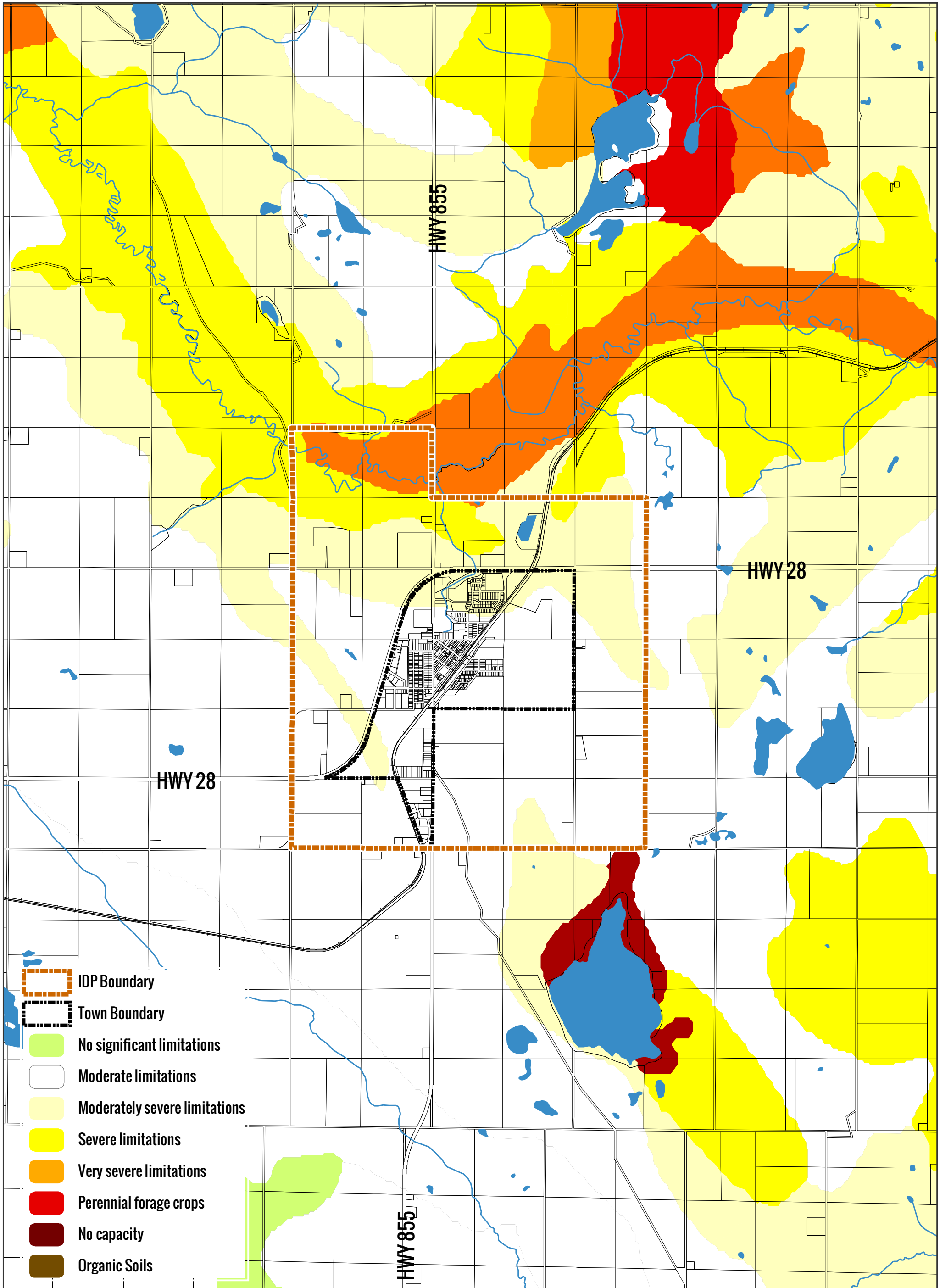
Map 5.2 - Major Intersections

6 Appendix A - Information Maps

6.1 – CLI Agriculture

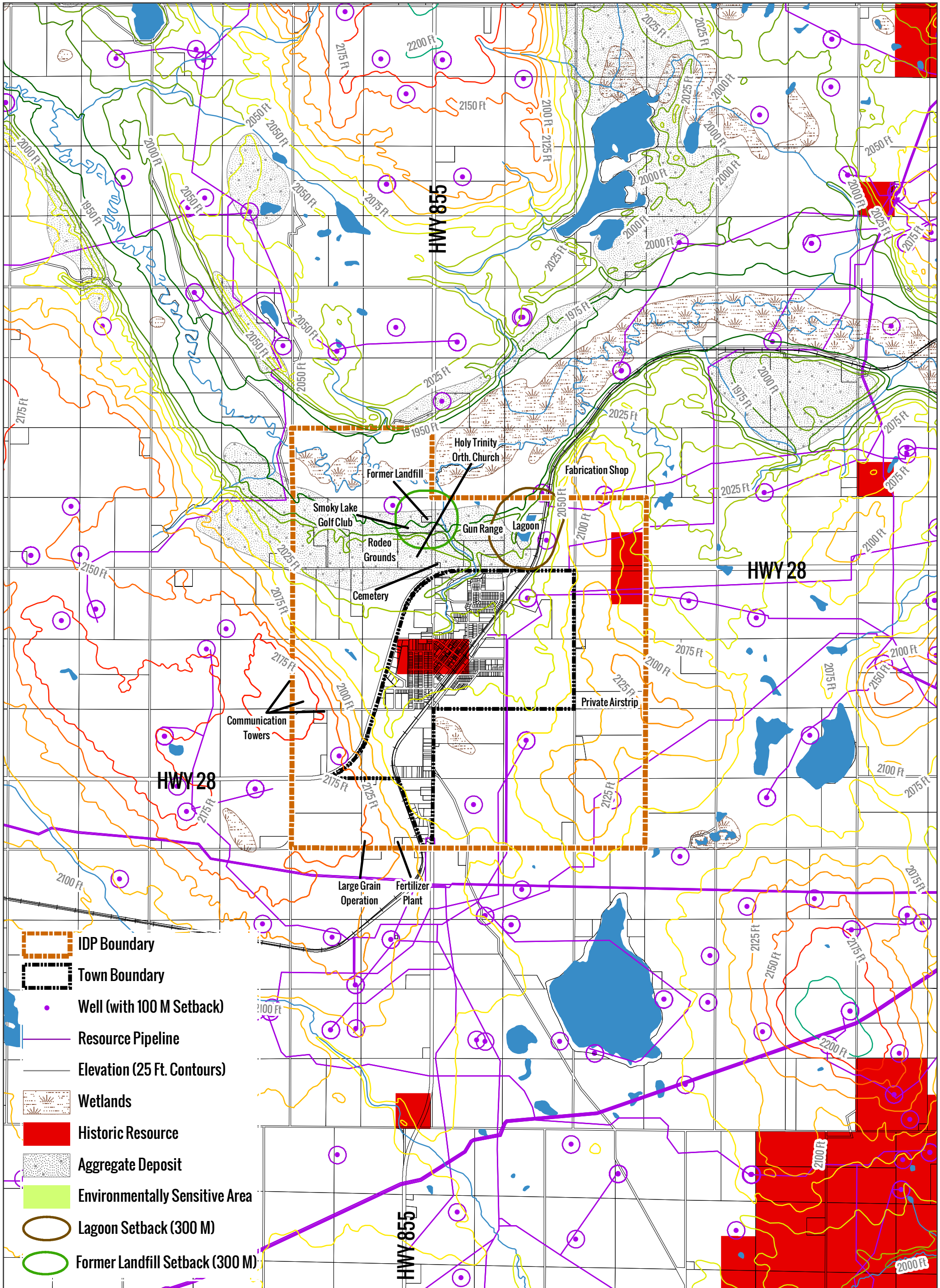
6.2 – Local Features





Town of Smoky Lake + Smoky Lake County IDP

Map 6.1 - CLI Agriculture



Town of Smoky Lake + Smoky Lake County IDP

Map 6.2 - Local Features



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.b

Topic: Proposed Major Alternative Energy Bylaw No. 1436-23

Presented By: Planning & Development Services

Recommendation:

That Smoky Lake County give First Reading to Proposed Major Alternative Energy Bylaw No. 1436-23, amending Land Use Bylaw (LUB) No. 1272-14 and Municipal Development Plan Bylaw No. 1249-12, and advertise and Schedule a Public Hearing for a May 2023.

Background:

March 16, 2023, Smoky Lake County Council Meeting:

- 423-23:** That Smoky Lake County’s Reeve, on behalf of Council, send a letter to the province (Ministers and Deputy Ministers), Alberta Utilities Commission (AUC), and Natural Resources Conservation Board (NRCB), in relation to preservation of Agricultural Lands and reclamation of major alternative energy projects. **Carried.**
- 424-23:** That Smoky Lake County’s Administration brings forward a Municipal Development Plan (MDP) amendment relating to major alternative energy considerations, based in-part on information obtained from Parkland County, and others. **Carried.**

The proposed amendments to the Land Use Bylaw and Municipal Development Plan Bylaw are **not** intended to be anti-alternative energy, merely to improve the County’s ability to contribute to their proper planning, the well-being of the environment, to foster the economic development of the municipality, and develop and maintain safe and viable communities.

It should also be noted that the County’s jurisdiction/authority over largescale alternative energy projects (solar/wind/geothermal) is limited by Section 619 and Section 620 of the Municipal Government Act.

Benefits: Preservation of Agricultural Lands and Providing for Economic Development.

Disadvantages: Staff time.

Alternatives: Council may defeat the proposed bylaws/policies or differ a decision.

Financial Implications: Anticipated budget implications of advertising the Public Hearing.

Legislation: Part 17, Municipal Government Act, M-26 RSA 2000

Intergovernmental: Nil.

Strategic Alignment: Proactivity in Development

Enclosure(s):

- MGA background & summary of changes proposed by Bylaw No. 1436-23
- Proposed Major Alternative Energy Bylaw No. 1436-23, amending Land Use Bylaw (LUB) No. 1272-14 and Municipal Development Plan Bylaw No. 1249-12 © Attachment 1

Signature of the CAO: 



Municipal Government Act – Relevant Sections

Municipal Government Act Part 17 Planning and Development Division 1 Other Authorizations, Compensation

Section 619

- (1)** A license, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC prevails, in accordance with this section, over any statutory plan, land use bylaw, subdivision decision or development decision by a subdivision authority, development authority, subdivision and development appeal board, or the Land and Property Rights Tribunal or any other authorization under this Part.
- (2)** When an application is received by a municipality for a statutory plan amendment, land use bylaw amendment, subdivision approval, development permit or other authorization under this Part and the application is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, the municipality must approve the application to the extent that it complies with the licence, permit, approval or other authorization granted under subsection (1).
- (3)** An approval of a statutory plan amendment or land use bylaw amendment under subsection (2)
 - a.** must be granted within 90 days after the application or a longer time agreed on by the applicant and the municipality, and
 - b.** is not subject to the requirements of section 692 unless, in the opinion of the municipality, the statutory plan amendment or land use bylaw amendment relates to matters not included in the licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC.
- (4)** If a municipality that is considering an application under subsection (2) holds a hearing, the hearing may not address matters already decided by the NRCB, ERCB, AER, AEUB or AUC except as necessary to determine whether an amendment to a statutory plan or land use bylaw is required.
- (5)** If a municipality does not approve an application under subsection (2) to amend a statutory plan or land use bylaw or the municipality does not comply with subsection (3), the applicant may appeal to the Land and Property Rights Tribunal by filing with the Tribunal
 - a.** a notice of appeal, and
 - b.** a statutory declaration stating why mediation was unsuccessful or why the applicant believes that the municipality was unwilling to attempt to use mediation.
- (11)** In this section, “NRCB, ERCB, AER, AEUB or AUC” means the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission.

Section 620



Municipal Government Act – Relevant Sections

A condition of a license, permit, approval or other authorization granted pursuant to an enactment by the Lieutenant Governor in Council, a Minister, a Provincial agency or Crown-controlled organization as defined in the *Financial Services Administration Act* or a delegated person as defined in Schedule 10 to the *Government Organization Act* prevails over any condition of a development permit that conflicts with it.



Summary of Changes – Bylaw No. 1436-23

Municipal Development Plan Bylaw No. 1249-12

- Policies supporting alternative/renewable energy projects provided that they do not compromise high-quality agricultural lands;
- Policies relating to integrated watershed management, including support for the completion of the North Saskatchewan Regional Plan;
- Policies supporting the protection of important/sensitive environmental features within the County; and
- Policies seeking the preparation of sub-watershed management plans for areas around highly-developed lakes within the County

Land Use Bylaw No. 1272-14

- Removal of existing definitions for solar and wind energy collection developments;
- Addition of new definitions for Alternative Energy Systems, both commercial and personal scale, for solar, wind and geothermal developments;
- Removing existing provisions for solar and wind energy collection developments and replacing them with more detailed provisions/requirements for both commercial and personal scale Alternative Energy Systems;
- Addition of requirement to conduct public consultation/engagement for commercial scale Alternative Energy Systems projects;
- Addition of policies relating to decommissioning of commercial scale Alternative Energy Systems;
- Addition of policies relating to reclamation of commercial scale Alternative Energy Systems;
- Addition of policies relating to the information required when submitting an application for a Development Permit for both commercial and personal scale Alternative Energy Systems;
- Removal of existing solar and wind energy collection developments from each land use District and adding commercial and personal scale Alternative Energy Systems as Discretionary Uses in appropriate land use Districts.

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1436-23**

A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of Amending Municipal Development Plan (MDP) Bylaw No. 1249-12 with provisions dealing with major alternative energy developments.

WHEREAS Council has adopted Smoky Lake County Bylaw No. 1249-12 to be the Municipal Development Plan (MDP);

WHEREAS it is deemed expedient to amend Bylaw No. 1249-12 as set out in Section 692 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

WHEREAS a Public Hearing has been held pursuant to Section 216.4 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

WHEREAS said Public Hearing has been advertised pursuant to Section 606 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

NOW THEREFORE under the authority and subject to the provisions of the *Municipal Government Act*, and by virtue of all other enabling powers, the Council of Smoky Lake County, duly assembled, enacts as follows:

1. Title

a. This Bylaw may be cited as:

‘Smoky Lake County Major Alternative Energy Bylaw, Amending Land Use Bylaw No. 1272-14 and Municipal Development Plan Bylaw No. 1249-12.’

2. Smoky Lake County Municipal Development Plan Bylaw No. 1249-12 is hereby amended as follows:

a. By adding the following under Objective 3.2.3 (Alternative/Renewable Energy):

Policy 3.2.3.3 The County supports the development of alternative/renewable energy industries as an economic generator and will support partnerships with industry and education institutions to establish energy pilot projects in Smoky Lake County.

Policy 3.2.3.4 The County promotes partnerships with industry to transition to alternative energy development by promoting the adaptive reuse of existing energy infrastructure, including previously disturbed lands and transmission networks.

Policy 3.2.3.5 The County encourages the microgeneration of renewable energy sources in all areas of the County, including the use of agricultural land for small scale production of renewable energy.

b. By adding the following under Section 3 General Objectives and Policies:

Section 3.9 Integrated Watershed and Regional Planning

Objective 3.9.1 To support the completion of the North Saskatchewan Regional Plan.

Policy 3.9.1.1 The County will partner with the Government of Alberta, Indigenous communities, industry, non-government organizations and the public to ensure the protection of environmental features within and connected to Smoky Lake County.

Policy 3.9.1.2 The County supports and will participate in regional environmental planning initiatives such as the development of the North Saskatchewan Regional Plan (NSRP).

Objective 3.9.2 To support Lake and Watershed Management.

Policy 3.9.2.1 The County will continue to participate in regional watershed alliance groups to support regional watershed planning initiatives and management plans.

Policy 3.9.2.2 The County will seek to protect, enhance, and restore the water quality and aquatic ecosystems in the region whenever possible by:

- i. retaining natural areas along waterbodies and watercourses;*
- ii. incorporating best practices to minimize soil erosion, to protect and enhance riparian zones and to conserve and enhance areas that contain habitat for federally or provincially listed plant or wildlife species; and*
- iii. conserving wetlands and establishing riparian setbacks around wetlands.*

Policy 3.9.2.3 The County shall seek to prepare Sub-Watershed Lake Plans for priority areas which are under stress, such as Smoky Lake, Hanmore Lake, Mons Lake, Cache Lake, Garner Lake, and Whitefish Lake.

c. By adding the following under Section 8 Definitions:

Alternative/Renewable Energy Resources means energy generated from renewable natural sources such as wind, solar or geothermal process.

3. Smoky Lake County Land Use Bylaw No. 1272-14 is hereby amended as follows:

a. By removing the following definitions under Section 1.7 Interpretation/Definitions:

- i. Solar Array;*
- ii. Solar Energy Conversion System;*
- iii. Wind Energy Conservation System, Large;*

iv. *Wind Energy Conservation System, Micro; and*

v. *Wind Energy Conservation System, Small.*

b. **By adding the following definitions under Section 1.7 Interpretation/Definitions:**

i. *Alternative Energy, Commercial means any system, device or structure that is used to collect natural energy resources, such as the sun, wind, or geothermal, to generate thermal, electrical, or mechanical energy to use as an alternative to fossil fuels and other non-renewable resources. Typical examples are, but not limited to, commercial solar energy conversion systems, commercial wind energy conversion systems, and commercial geothermal energy conversion systems. A commercial alternative energy system is intended to provide power primarily for resale.*

Includes:

Geothermal Energy Conversion System, Commercial means a power generation facility consisting of any system, device or structure that utilizes a heat pump to warm or cool air by utilizing the constant temperatures of the Earth, to generate energy primarily for resale.

Solar Energy Conversion System, Commercial means a power generation facility consisting of active or passive solar panels and related facilities. This system is connected to the same substation or metering point used for the production of electrical power, and is primarily for resale.

Wind Energy Conversion System, Commercial means multiple wind energy systems developed to generate energy primarily for resale.

ii. *Alternative Energy, Personal means any system, device or structure that is used to collect natural energy resources, such as the sun, wind, or geothermal, to generate thermal, electrical, or mechanical energy to use as an alternative to fossil fuels and other non-renewable resources. Typical examples are, but not limited to, personal solar energy conversion systems, personal wind energy conversion systems, and personal geothermal energy conversion systems. A personal alternative energy system is intended to provide power for onsite consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power primarily for resale.*

Includes:

Geothermal Energy Conversion System, Personal means a power generation facility consisting of any system, device or structure that utilizes a heat pump to warm or cool air by utilizing the constant temperatures of the Earth, to generate electrical power for onsite consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power primarily for resale.

Solar Energy Conversion System, Personal means a power generation facility consisting of active or passive solar panels and related facilities. It is intended to provide electrical power for onsite consumption requirements, either on or off-grid, and may provide residual power to the grid but is not intended to produce power primarily for resale.

Wind Energy Conversion System, Personal means a single wind energy conversion system developed to generate electrical power for onsite consumption requirements, either on or off-grid and may provide residual power to the grid but is not intended to produce power primarily for resale. The system and supporting structure is less than 25 m (82 ft.) in height.

- c. By removing Section 7.35 Solar Energy Collection Systems.
- d. By removing Section 7.38 Wind Conversion Systems, Large.
- e. By Removing Section 7.39 Wind Conversion Systems Micro.
- f. By removing Section 7.40 Wind Conversion Systems Small.
- g. By adding the following under Section 7 Special Provisions:

- i. **Commercial Alternative Energy (CAE) Development**

Jurisdiction

The Province of Alberta and its agencies. Regulates large scale /commercial energy projects. Under Sections 619 and 260 of the *Municipal Government Act (MGA)*, the County’s regulatory role is very limited. The MGA (Sec. 619(2)) is very clear that “A license permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC prevails...” over “... any statutory plan, land use bylaw, subdivision decision or development decision...” of a municipality.

Purpose

The purpose of this Section is to establish local standards for Commercial Alternative Energy (CAE) developments, including but not limited to, solar, wind and geothermal, and other energy producing technologies whose purpose is to produce energy for the commercial market.

Provincial or Other Approvals

1. Where Provincial or Federal Government or other Agency approval has been received for a CAE, a copy of the said approval and supporting documents, shall be submitted to the Development Authority. The supporting information provided to the Province, Federal Government or other Agency may be used to satisfy some or all of the requirements of the County.

Protection of Agricultural Lands

2. In compliance with the Agricultural Objectives (3.2.3) and Policies (3.2.3.3, 3.2.3.4, & 3.2.3.5) of the Municipal Development Plan:

- a. the siting of an CAE should take place on lands considered to be low production, or on poor agricultural land; and
- b. the use of high quality agricultural soils should be discouraged.

General Requirements

3. A development permit application shall be made for every title upon which the CAE is proposed.
4. A site plan(s) shall be required for each title but a single, master set of supporting documents may be submitted for the overall project.

Public Consultation

5. Prior to the submission of a development permit application the applicant shall:
 - a. arrange and host at least one (1) open house or public meeting, in the general area of the site proposed for the CAE;
 - b. advertise the time, date, and place of the open house or public meeting:
 - i. in a newspaper circulating in the area of the proposed development, with the advertisement appearing a minimum of two (2) weeks in advance of the open house or public meeting, and
 - ii. mail a written notice of the time, date, and place of the open house or public meeting to all landowners within the area proposed for the development, and all landowners within 2 km (1.2 miles) of the boundary of the area proposed for the development;
 - c. the information provided at the open house or public meeting shall be all the information that would be required as part of a Development Permit application for the proposal;
 - d. Opportunities for questions and input from the public shall be allowed; and
 - e. A summary of the presentation and the public input shall be recorded and submitted to the Development Authority when applying for a development permit application.
6. If public consultation was held as part of the Provincial approval process, the Applicant may submit the details of that consultation to the County to satisfy the requirements of Section 7.35.5.

Safety

7. All applications shall include:
 - a. an emergency response plan; and

- b. a detailed safety plan identifying any special rescue needs for workers that is beyond the local emergency responders' equipment and training capability.
8. All applicable Safety Codes permits are required to be obtained.

Transmission Lines

9. All collector lines, (less than 69kV) on the site of a CAE generating electrical power, shall be underground, except where the Development Authority approves otherwise.

Colour and Finishes

10. The buildings, supporting structures, and accessory buildings shall be painted or coated in non-reflective and non-glossy tones and / or colors which minimize the obtrusive impact of a CAE.
11. No brand names, lettering or advertising shall appear on buildings, towers, blades, support structures or accessory buildings and structures.
12. The lettering or imagery that may appear on the lowest 3 m (10 ft.) of a tower or building of a CAE are the manufacturer's identification and contact information, the operator's identification and contact information, emergency contact information, and municipal symbol.

County Standards

13. All roads, approaches, culverts, fences, or other County infrastructure to be replaced, constructed, upgraded, or reconstructed, shall be built to the County's standards current at the time of construction.

Noise

14. During construction, operation, and decommissioning the sound level from any CAE shall not exceed 60dB(A), or more than 5dB(A) above the background noise, whichever is lower, as measured at the exterior of the closest inhabited Dwelling.
15. The CAE can utilize berms, deflectors, sound blankets, walls, vegetation, fences, buildings, or other sound mitigative measures or any combination of these items to achieve the sounds levels described in [Section 7.35 14.](#)

Referral

16. Prior to deciding upon an application for a CAE, the Development Authority may refer for the review, comment, and any input provided from any of the following entities:
 - a. Alberta Utilities Commission;
 - b. Alberta Transportation;
 - c. Transport Canada;
 - d. NavCanada;

- e. Alberta Electrical Systems Operator;
- f. adjoining municipalities (if the application area is within the Intermunicipal Development Plan boundary for a municipality); and
- g. any other person, departments, agency, commission, or government the Development Authority deems necessary.

Decommissioning

17. Decommissioning and reclamation shall take place in compliance with the applicable provincial standards of the day the site is decommissioned. If no standards are in place at the time of a development permit application, the applicant shall provide a plan outlining how the site will be decommissioned and reclaimed to the site's predevelopment state as part of the Development Permit application. The decommissioning plan shall include information on the following:

- a. treatment of buildings, footings, foundations, structures, and wires;
- b. reclamation of access roads, driveways, pathways, storm ponds, drainage systems, and other similar disturbances;
- c. The type and suitability vegetation and / or ground cover to be planted and / or seeded;
- d. Notice to be given to landowners and the County;
- e. Containment of hazardous materials;
- f. Site security;
- g. Haul routes for disposal materials;
- h. Control of noise, dust, particulates, and weeds; and
- i. Discussion of the timetable for decommissioning the plan.

Financial Security

18. As a condition of development approval, the County may require financial security, in the form satisfactory to the Development Authority, to ensure the Reclamation / Decommissioning Plan is implemented and to cover assignment and bankruptcy. The condition may include a periodic review of the security to ensure the amount is sufficient to implement the Reclamation / Decommissioning Plan.

Discontinuance

19. Should an Alternative Energy Development discontinue producing power for a minimum of two consecutive years, or two cumulative years over a five-year period, the operator shall provide a report on the status of the System to the County. A review of the status report by the County may result in the request for the System to be decommissioned. Failure to comply with a decommissioning request may result in the issuance of a stop order by the County in accordance with the provision of the Municipal Government Act

Commercial Solar Energy Conversion Systems Applications

20. Development Permit applications for a solar collector system shall be accompanied by the following information:
- a. a plan showing the location of overhead and / or underground utilities on or adjacent to the subject lands;
 - b. Location and identification of environmentally sensitive areas on the project lands;
 - c. A detailed site plan showing:
 - i. the titled parcel(s),
 - ii. the location of the system on the parcel(s),
 - iii. the required setbacks,
 - iv. existing structures, if any,
 - v. the existing or proposed approach(es), and,
 - vi. the orientation of the solar collectors.
 - d. The application shall also include details regarding:
 - i. the system type,
 - ii. number of structures,
 - iii. height of structures,
 - iv. energy process,
 - v. grid connection,
 - vi. rated output in megawatts,
 - vii. signage,
 - viii. public safety,
 - ix. security measures,
 - x. a site suitability analysis,
 - xi. topography,
 - xii. soil characteristics,
 - xiii. agricultural capability,
 - xiv. potential impacts on agricultural land,
 - xv. stormwater management plan,
 - xvi. surface drainage plan,
 - xvii. the results of the public consultation process,
 - xviii. weed control plan, and
 - xix. an environmental impact assessment prepared by a qualified professional demonstrating site suitability, impact mitigation and reclamation requirements.

Glare

21. Solar panels must be located such that they do not create glare on neighboring properties or public roadways.

Projections

22. Solar collectors mounted to the roof of a building or structure shall not extend beyond the outermost edge of the roof.

Height and Setbacks

23. The maximum heights and setbacks of building mounted or ground mounted solar collection systems shall be subject to the height and setback requirements of the applicable Land Use District

Fire Protection

24. The spacing and height of solar collectors shall be designed to provide access for firefighting

Density

25. The location of and maximum number of solar collectors per Title may be regulated by the Development Authority.

Commercial Wind Energy Conversion Systems Applications

26. An individual development permit application shall be submitted for each titled parcel.

27. Development Permit applications for a wind energy conversion system shall be accompanied by the following information:

- a. an accurate site plan showing and labeling the information outlined in this section and the location of overhead and / or underground utilities on or adjacent to the subject lands;
- b. a digital version of the site plan showing the exact location and base elevation of each WECS in UTM coordinates with NAD datum, Zone X;
- c. a visual representation of the WECS project including scale elevations, photographs and / or digital projections of the project showing height, rotor diameter, color and landscape;
- d. a digital version of the site plan showing the exact location and base elevation of each WECS in UTM coordinates and NAD datum, Zone AA;
- e. the specifications indicating:
 - i. the type of material used in tower, blade, and rotor construction,
 - ii. grid connections and size of any substations,
 - iii. signage,
 - iv. security measures,
 - v. site suitability analysis,
 - vi. topography;
 - vii. soil characteristics,
 - viii. agricultural capability,
 - ix. potential impacts on agricultural land,
 - x. stormwater management plan,
 - xi. surface drainage plan,
 - xii. the location of any dwellings or structures on the property,
 - xiii. setbacks;
 - xiv. weed control plan, and
 - xv. an environmental impact assessment prepared by a qualified professional demonstrating site suitability, impact mitigation and reclamation requirements;
- f. the manufacturer's specifications indicating:
 - i. the proposed systems rated output in megawatts,
 - ii. the safety features,
 - iii. the type of material used in the tower, blade, and rotor construction, and

- iv. foundation design and / or anchor design, including the location and anchoring of any guy wires;
- g. an analysis of the potential for noise and shadow / flicker effect, both at the site of the installation, at the boundary of the property containing the development, and at any habitable residence within 2 km (1.2 miles) of any Wind Energy Conversion System in accordance with Alberta Utilities Commission Rule 12;
- h. the results of the public consultation process;
- i. the potential for electromagnetic interference;
- j. the nature and function of over speed controls which are provided;
- k. the status of the applicant's circulation to NavCanada, Transport Canada, Alberta Utilities Commission, and any other government department or agency required for provincial approval;
- l. information related to public safety;
- m. identification of any roads to be used or constructed for use during construction of the project and any impacts to the existing road system including required approaches from public roads; and
- n. a copy of the Wire Service Provider (WSP) approval if the Wind Energy Conversion System is proposed to be connected to the provincial power grid.

Density

28. The Development Authority may approve one or more Commercial Wind Energy Conversion System structures on a titled parcel having regard for:
- a. the proximity to other adjacent land uses;
 - b. the overall density of the WECS project;
 - c. a consideration of the cumulative effect of all Wind Energy Conversion System approved or proposed within 5 km (3miles) of the proposal;
 - d. the underlying utilities; and
 - e. the information received through the circulation process, public consultation process and through the redistricting public hearing.

Setbacks

29. The setback distance between a Wind Energy Conversion System and a dwelling, within and without the project boundary, shall be as established by the Alberta Utilities Commission through the calculations of AUC Rule 12.
30. The Wind Energy Conversion System's tower shall be setback from the boundary of all County Road rights of way (developed or undeveloped), a minimum distance equal to the total height of the tower plus 10 percent.
31. A Wind Energy Conversion System shall be setback not less than 7.5 m (24.6 ft.) from all other property lines, as measured from the rotor's arc (rotor diameter).

32. If the tower utilizes guy wire anchors, the anchors, but not the tower, may be located no closer than 3.0 m (10 ft.) to the property lines.

Minimum Blade Clearance

33. The minimum vertical blade clearance from grade shall be 7.6 m (25 ft.) for a Wind Energy Conversion System employing a horizontal rotor.

Tower Access and Safety

34. To ensure public safety, the Development Authority may require that:
- a. if the tower is climbable, a security fence with a lockable gate, not less than 1.9 (6 ft.) in height, shall be installed around a Wind Energy Conversion System tower;
 - b. no ladder or permanent tower access device shall be located less than 3.7 m (12 ft.) from grade;
 - c. a locked device shall be installed on the tower to preclude access to the top of the tower;
 - d. additional access control features or such additional safety mechanisms or procedures may be required by the Development Authority; and
 - e. the use of tubular towers, with locked door access, will preclude the above requirements.

Speed Control

35. The system shall be equipped with manual and automatic over speed controls.
36. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.

Electro-Magnetism

37. The system shall be operated such that any electro-magnetic interference is dealt with as per the permit issued by the AUC. If electro-magnetic interference is determined during operation, the developer will work with the affected stakeholder (s) to mitigate any issues.

Other Commercial Alternative Energy Systems Applications

38. Development Permit applications for all other types of Alternate Energy production systems shall be accompanied by the following information:
- a. an accurate site plan showing and labelling:
 - i. the legal location(s) of the proposed system,
 - ii. the location of the proposed system on the property or properties in relation to property lines and existing or proposed buildings or structures,
 - iii. the location of the existing or proposed access,

- iv. the identification of any sensitive environmental features,
- v. the topography of the site,
- vi. the method of exporting the energy off site – power lines, pipelines, vehicles, etc.;
- b. detailed information on the type of facility, structure, or system of the energy process involved;
- c. the manufacture’s specifications, indicating (if applicable):
 - i. the rated output in megawatts or gigajoules, and,
 - ii. the safety features;
- d. any information regarding public safety;
- e. information or verification of:
 - i. the volume of water, if required,
 - ii. the source of the water, if required,
 - iii. the reclamation process of any water utilized by the system,
 - iv. the stormwater management system, if required,
 - v. the method of disposal of any waste material generated by the system,
 - vi. the generation and mitigation of any noise, vibration, odor, light, particulate that results from the production process;
- f. an analysis of the potential fire, explosive, or other hazards of the proposed system; and
- g. a Traffic Impact Assessment or other information / analysis of traffic volumes and any impacts to the local road system.

Setbacks

39. The buildings and structures of non-solar and non-wind based Commercial Alternate Energy development(s) shall comply with all the setbacks established in the district in which it is located with the following modifications:
- a. a minimum of 250 m (820 ft.) from any residential dwelling, food establishment, institutional use or public use, facility or building; and
 - b. a minimum of 100 m (328 ft.) from the boundary of any creek, stream, river, lake shore or water body.

Commercial Geothermal Energy Conversion Systems

40. All geothermal systems shall be Closed Loop systems. Open Loop systems (pump & dump) are not allowed.
41. Must comply with CSA-C448 and subsequent amendments. Exceptions may be allowed, at the discretion of the Development Authority, provided documented proof is provided showing that the exception meets or exceeds CSA-C448 standard.
42. Installations must be stamped by a qualified Professional Engineer registered under the ‘Engineering, Geological, or Geophysical Professions Act’ of Alberta or have the system and installer certified by the Canadian GeoExchange Coalition (CGC) or other future governing body having jurisdiction within the Province of Alberta.

43. Heat-transfer fluids within a geothermal system shall be of the most environmentally friendly type available at the time of installation. In no case may an ethylene glycol-based fluid be used nor shall any flammable or combustible agent such as methanol, ethanol, natural gas, or propane be used.

Conditions of Approval for Any Commercial Alternative Energy System

44. Depending on the type of Commercial Alternative Energy System proposed, the Development Authority shall consider, as limited by Sections 619 and 620 of the Municipal Government Act, or not as the case may be, in addition to any other conditions authorized under other sections of this Bylaw or Statutory Plan, attaching conditions related to any of the following:
 - a. entering into a development agreement with the County in accordance with the Municipal Government Act;
 - b. preparing by qualified professionals and at the Applicant's expense, all the necessary studies, maps, diagrams, reports, and analysis, whether printed and / or digital, required in support to their application;
 - c. confining all surface drainage on site and protecting any adjacent water bodies from runoff;
 - d. treating any wastewater on site and / or disposing of any wastewater as required by the County;
 - e. disposing of any non-wastewater liquids in accordance with the requirements of the County;
 - f. storing / containing all feedstock and materials within buildings or containment facilities;
 - g. disposing of any other waste materials;
 - h. restricting vehicle / truck traffic, whether owned or contracted by the Applicant, that transport construction material, raw material or feedstock or finished / processed goods associated with the development to designated haul routes and times through an agreement and the provision of securities;
 - i. dust control measures;
 - j. sound control measures;
 - k. installing underground all energy transmission (whether electrical, liquid or gas) lines from the site to the applicable collection point;
 - l. securing all necessary approvals from any other agency with jurisdiction on the type Commercial Alternative Energy development proposed and providing the County with a copy of the approval required;
 - m. identifying and providing for a staged or phased development;
 - n. placing restrictions on parts or elements of the proposed development, such as but not limited to locations, heights, colors, densities, setbacks, etc.;
 - o. constructing or paying for the construction of any new or the upgrading of any existing municipal infrastructure related to the project, such as but not

- limited to roads, approaches, signage, water lines, and sewage lines;
- p. requiring ground cover, weed control, grading, soil erosion control emergency / fire suppression, and drainage measures;
- q. specifying time periods to:
 - i. start, suspend, and complete construction activities,
 - ii. trigger decommissioning activities;
- r. providing for the amenity of the site or development through improvements such as landscaping, berming, and buffering; and,
- s. any other condition or conditions necessary to give form and effect to the project.

ii. Personal Alternative Energy (PAE) Systems

Purpose

The purpose of this Section is to establish local standards for Personal Alternative Energy (PAE) developments, including but not limited to, solar, wind and geothermal, and other energy producing technologies for use by households, agricultural operators, or individual business to meet some or all of their energy needs on the subject site, or a site immediately adjacent to the subject site.

General Requirements for all Personal Alternative Energy Systems

1. No re-districting is required for a lot or site for an Alternative Energy System, Personal.
2. A development permit is required for any Alternate Energy System, Personal, and such Systems shall be considered a Discretionary Use.
3. All applicable Safety Codes permits are required.
4. If the subject site is located within lands subject to Alberta Transportation's jurisdiction, an approved Roadside Development Permit from Alberta Transportation shall be required and included with the Development Permit application. (For the purposes of Section 683.1(1) of the Municipal Government Act, an application shall not be considered as received unless the Roadside Development Permit is included with the application.)

Personal Solar Energy Conversion Systems Applications

5. In addition to the requirements of **Section 2.4** of this Bylaw, the application shall include:
 - a. information of any impacts to the County Road system such as, but not limited to:
 - i. identification of the roads to be used to construct and operate the development,
 - ii. number, type of vehicle movements, and load weights,
 - iii. expected time-period of movements: short-term, periodic, or ongoing,
 - iv. need for any upgrading of an existing road,

- v. need for new approach or expansion of existing approach;
- b. for systems that are to be tied into the grid, evidence that the Utility Operator has been informed of the Applicant's intent to install an interconnected customer-Owner generator;
- c. documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;
- d. the manufacturer's specifications for the proposed system and rated output in kilowatts;
- e. a site plan showing the location, setbacks, and orientation of the solar collectors;
- f. for panels to be affixed to the wall of a building or accessory structure:
 - i. a description of how the panels are to be mounted or affixed,
 - ii. the maximum projection from the wall, and,
 - iii. the structural capacity of the building and / or wall to support the proposed development;
- g. for free-standing solar panels:
 - i. a description of the proposed ground mount design,
 - ii. the clearance to the bottom of the collectors, and,
 - iii. the maximum height from existing grade,
 - iv. the method of vegetation / weed control.

Glare

- 6. Solar panels must be located such that they do not create glare onto neighboring properties or public roadways.

Mounting and Projection

- 7. Solar collectors mounted to the roof of a building or structure shall not extend beyond the outermost edge of the roof.
- 8. The maximum projection of any solar collectors affixed to a wall of a building or structure in a residential District shall be:
 - a. 1.5 m (5 ft.) from the surface of a wall that faces a rear lot line; and,
 - b. in all other cases 0.6 m (2 ft.) from the surface of any other wall.

Setbacks

- 9. Freestanding solar collectors shall be subject to the setback requirements of the applicable Land Use District or as required by Alberta Transportation, whichever is greater.

Height

- 10. The maximum height of a freestanding solar collector shall not exceed 2.4 m (8 ft.).

11. For freestanding solar collectors, sufficient clearance shall be retained under the structure to allow for weed control, grass cutting and for fire suppression.

Density

12. The location of and maximum number of solar collectors per Title may be regulated by the Development Authority.

Personal Wind Energy Conversion Systems Applications

13. Development Permit applications for a wind energy conversion system shall be accompanied by the following information:
 - a. documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;
 - b. the manufacturer's specifications including:
 - i. the proposed systems rated output in kilowatts,
 - ii. the safety features,
 - iii. the sound characteristics,
 - iv. the type of material used in the tower, blade, and / or rotor construction;
 - c. a site plan showing the location and setbacks of the Wind Energy Conversion Systems on the property;
 - d. drawings, drawn to scale, of the wind turbine structure, including the tower, base, footings, and anchoring method. An engineering analysis of the Wind Turbine Tower showing compliance with the International Building Code and certified by a licensed professional mechanical, structural, or civil engineer shall also be submitted. Documentation of this analysis supplied by the manufacturer shall be accepted;
 - e. the potential for electromagnetic interference;
 - f. the nature and function of over speed controls which are provided;
 - g. the specifications on the foundations and / or anchor design, including the location and anchoring of any guy wires;
 - h. the location of any existing buildings or improvements on the property in relation to the Wind Energy Conversion System;
 - i. evidence of compliance with applicable air traffic safety regulations. (Transport Canada must be notified of the location – latitude and longitude – and height of all wind turbine installations through the aeronautical clearance application process.)
14. Prior to deciding upon an application for a Wind Energy Conversion System, the Development Authority may refer for the review and comment, and consider any input received from the following entities:
 - a. Alberta Utilities Commission;
 - b. Alberta Transportation;
 - c. Alberta Utilities Commission and the Alberta Energy Systems Operator for applications proposing to connect to the grid;

- d. Transport Canada;
- e. Navigation Canada; and
- f. any other person, departments, agency, or commission the Development Authority deems necessary.

15. Personal Wind Energy Conversion Systems shall comply with the following standards:

- a. There shall be a limit of one (1) Wind Energy Conversion System per Titled area.

Setbacks

16. The Personal Wind Energy Conversion System's tower shall be setback from all property lines a minimum distance equal to the height of the tower, or the minimum setbacks set out in the applicable Land Use District, or as required by Alberta Transportation, whichever is greater.

17. If the tower utilizes guy wire anchors, the anchors, but not the tower, may be located no closer than 3.0 m (10 ft.) to the property lines.

Height

18. A Personal Wind Energy Conversion System tower shall not exceed a maximum height of:

- a. 12.1 m (40 ft.) on a parcel of less than 0.4 ha (less than 1 acre);
- b. 19.8 m (65 ft.) on a parcel 0.4 – 2.0 ha (1 – 5 acres);
or
- c. 24.4 m (80 ft.) on a parcel greater than 2.0 ha (5 acres).

Finish and Markings

19. The tower and supporting structures shall be painted or coated in tones and / or colors matching the existing tones and / or colors of the principal building that are non-reflective and non-glossy.

20. Brand names or advertising associated with the System or the System's installation shall not be visible from any public place.

Illumination

21. Small Wind Turbine Towers shall not be artificially lit except as required by NavCanada.

Speed Controls

22. The System shall be equipped with manual and automatic over speed controls.

23. The conformance of rotor and over speed control design and fabrication to good engineering practices shall be certified by a licensed mechanical, structural or civil engineer.

Tower Access and Public Safety

24. If the tower is climbable, a security fence with a lockable gate, not less than 1.9 (6 ft.) in height, shall be installed around a Wind Energy Conversion System tower.
25. No ladder or permanent tower access device shall be located less than 3.7 m (12 ft.) from grade.
26. A locked device shall be installed on the tower to preclude access to the top of the tower.
27. Additional access control features or such additional safety mechanisms or procedures may be required by the Development Authority.
28. The use of tubular towers, with locked door access, will preclude the above requirements.

Electro-Magnetism

29. The System shall be operated such that any electro-magnetic interference is dealt with as per the permit issued by the AUC. If electro-magnetic interference is determined during operation, the developer will work with the affected stakeholder (s) to mitigate any issues.

Output

30. The System's maximum power output shall not exceed 5 kilowatts.

Noise Level

31. The noise generated by the System shall not exceed 60dB(A) or exceed more than 5dB(A) above background sound, as measured at the exterior of the closest inhabited Dwelling (at the time of installation or during operation), for wind speeds below 10 m per second (22 mph) and except short-term event such as utility outages and / or severe windstorms.

Discontinuance

32. Upon abandonment or termination of the System's use, the entire facility, including the System's tower, turbine, supporting structures and all equipment, shall be removed and the site shall be restored to its pre-Wind Energy Conversion System condition.

Applications for Other Individual Alternate Energy Systems

33. Development Permit applications for all other types of Alternate Energy production systems shall be accompanied by the following information:
 - a. documentation demonstrating that the system is designed to produce energy primarily for the sole use and consumption on-site by the landowner, resident, occupant, or business;

- b. an accurate site plan showing and labelling:
 - i. the location of the proposed system on the property,
 - ii. the location of the proposed system in relation to any other buildings or structures on the property,
 - iii. the location of the existing or proposed access,
 - iv. detailed information on the type of facility, structure, or system, and
 - v. the energy process involved;
- c. the manufacture's specifications, indicating (if applicable):
 - i. the rated output in megawatts or gigajoules,
 - ii. the safety features, and,
 - iii. the sound characteristics;
- d. information regarding public safety regarding such aspects as fire hazards, chemicals used, storage of hazardous materials, exposure to corrosive or and hazardous fumes;
- e. information or verification of:
 - i. the source of the water, if required,
 - ii. the reclamation process of any water utilized by the system,
 - iii. the stormwater management system, if required, and,
 - iv. the method of disposal of any waste material generated by the system.

Geothermal Systems

- 34. All geothermal systems shall be Closed Loop systems. Open Loop systems (pump & dump) are not allowed.
- 35. Must comply with CSA-C448 and subsequent amendments. Exceptions may be allowed, at the discretion of the Development Authority, provided documented proof is provided showing that the exception meets or exceeds CSA-C448 standard.
- 36. Installations must be stamped by a qualified Professional Engineer registered under the "Engineering, Geological, or Geophysical Professions Act" of Alberta or have the system and installer certified by the Canadian GeoExchange Coalition (CGC) or other future governing body having jurisdiction within the Province of Alberta.
- 37. Heat-transfer fluids within a geothermal system shall be of the most environmentally friendly type available at the time of installation. In no case may an ethylene glycol-based fluid be used nor shall any flammable or combustible agent such as methanol, ethanol, natural gas, or propane be used.

Conditions of Approval

- 38. Depending on the type of Personal Alternative Energy System proposed, the Development Authority shall consider, as limited by Sections 619 and 620 of the Municipal Government Act, or not as the case may be, in addition to any other conditions authorized under other

sections of this Bylaw or Statutory Plan attaching conditions related to the following:

- a. entering into a development agreement with the County in accordance with the Municipal Government Act;
- b. preparing by qualified professionals and at the Applicant's expense, all the necessary studies, maps, diagrams, reports, and analysis, whether printed and / or digital, required in support to their application;
- c. confining all surface drainage on site and protecting any adjacent water bodies from runoff;
- d. treating any wastewater on site and / or disposing of any wastewater as required by the County;
- e. disposing of any non-wastewater liquids in accordance with the requirements of the County;
- f. the methods of disposing of any other waste material;
- g. storing / containing all feedstock and materials within buildings or containment facilities;
- h. restricting vehicle / truck traffic, whether owned or contracted by the Applicant, that transport construction material, raw material or feedstock or finished / processed goods associated with the development to designated haul routes and times;
- i. require the entering of a road use agreement and the provision of security;
- j. constructing or paying for the construction on any new road or approach required for the development and / or upgrading or paying for the upgrading of an existing road or existing approach required for the development;
- k. dust control;
- l. sound control;
- m. installing underground all energy transmission (whether electrical, liquid or gas) lines from the site to the applicable collection point;
- n. securing all necessary approvals from any other agency with jurisdiction on the type AES proposed and providing the County with a copy of the approval required;
- o. identifying and providing for a staged or phased development;
- p. placing restrictions on parts or elements of the proposed development, such as but not limited to locations, heights, colors, densities, setbacks, etc.;
- q. constructing or paying for the construction of non-municipal infrastructure related to the project;
- r. requiring ground cover, weed control, grading, soil erosion control emergency / fire suppression, and drainage measures;
- s. specifying time periods to:
 - i. start, suspend, and complete construction activities,
 - ii. trigger decommissioning activities;
- t. providing for the amenity of the site or development through improvements such as landscaping, berming, and buffering; and,
- u. any other condition or conditions necessary to give form and effect to the project.

- h. By removing the following under Section 8.2.2:**

 - i. Solar Energy Collection Systems; and*
 - ii. Wind Energy Conversion System, Micro.*
- i. By removing the following under Section 8.2.3:**

 - i. Wind Energy Conversion System, Small; and*
 - ii. Wind Energy Conversion System, Large.*
- j. By adding the following under Section 8.2.3:**

 - i. Alternative Energy, Commercial; and*
 - ii. Alternative Energy, Personal.*
- k. By removing the following under Section 8.3.2:**

 - i. Solar Energy Collections Systems; and*
 - ii. Wind Energy Conversion Systems, Micro.*
- l. By adding the following under Section 8.3.3:**

 - i. Alternative Energy, Personal.*
- m. By removing the following under Section 8.4.2:**

 - i. Solar Energy Conversion System; and*
 - ii. Wind Energy Conversion System, Micro.*
- n. By removing the following under Section 8.4.3:**

 - i. Wind Energy Conversion System, Small.*
- o. By adding the following under Section 8.4.3:**

 - i. Alternative Energy, Personal.*
- p. By removing the following under Section 8.5.2:**

 - i. Solar Energy Conversion System; and*
 - ii. Wind Energy Conversion System, Micro.*
- q. By removing the following under Section 8.5.3:**

 - i. Wind Energy Conversion System, Small.*
- r. By adding the following under Section 8.5.3:**

 - i. Alternative Energy, Personal.*
- s. By removing the following under Section 8.6.2:**

 - i. Solar Energy Conversion System; and*

- ii. Wind Energy Conversion System, Micro.*
- t. By removing the following under Section 8.6.3:**
 - i. Wind Energy Conversion System, Small.*
- u. By adding the following under Section 8.6.3:**
 - i. Alternative Energy, Personal.*
- v. By removing the following under Section 8.7.2:**
 - i. Solar Energy Conversion System; and*
 - ii. Wind Energy Conversion System, Micro.*
- w. By adding the following under Section 8.7.3:**
 - i. Alternative Energy, Personal.*
- x. By removing the following under Section 8.8.2:**
 - i. Solar Energy Conversion System; and*
 - ii. Wind Energy Conversion System, Micro.*
- y. By removing the following under Section 8.8.3:**
 - i. Wind Energy Conversion System, Small.*
- z. By adding the following under Section 8.8.3:**
 - i. Alternative Energy, Personal.*
- aa. By removing the following under Section 8.9.2:**
 - i. Solar Energy Conversion System; and*
 - ii. Wind Energy Conversion System, Micro.*
- bb. By removing the following under Section 8.9.3:**
 - i. Wind Energy Conversion System, Small.*
- cc. By adding the following under Section 8.9.3:**
 - i. Alternative Energy, Personal.*
- dd. By removing the following under Section 8.10.2:**
 - i. Solar Energy Collection System; and*
 - ii. Wind Energy Conversion System, Micro.*
- ee. By removing the following under Section 8.10.3:**
 - i. Wind Energy Conversion System, Small; and*
 - ii. Wind Energy Conversion System, Large.*

ff. By adding the following under Section 8.10.3:

- i. Alternative Energy, Commercial; and*
- ii. Alternative Energy, Personal.*

gg. By removing the following under Section 8.11.2:

- i. Solar Energy Collection System: and*
- ii. Wind Energy Conversion System, Micro.*

hh. By removing the following under Section 8.11.3:

- i. Wind Energy Conversion System, Small; and*
- ii. Wind Energy Conversion System, Large.*

ii. By adding the following under Section 8.11.3:

- i. Alternative Energy, Commercial; and*
- ii. Alternative Energy, Personal.*

jj. By adding the following under Section 8.13.3:

- i. Alternative Energy, Commercial.*

4. Severability

- a. If any portion of this Bylaw is found to be invalid, the remaining portions remain in effect.

5. Effect

- a. This Bylaw takes effect upon Third Reading.

6. Amendment

- a. This Bylaw may be amended by Bylaw in accordance with the *Municipal Government Act* R.S.A. 2000, c. M-26, as amended.

READ a First Time this ____ day of _____, AD 2023.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER

A Statutory Public Hearing having been held this ____ day of _____, AD 2023.

Bylaw No. 1436-23

READ a Second Time this _____ day of _____, **AD 2023**.

READ a Third and Final Time this _____ day of _____, **AD 2023** and finally passed by Council.

S E A L

REEVE

CHIEF ADMINISTRATIVE OFFICER



Municipal Government Act – Relevant Sections

Municipal Government Act

Part 17 Planning and Development

Division 1 Other Authorizations, Compensation

Section 619

- (1) A license, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC prevails, in accordance with this section, over any statutory plan, land use bylaw, subdivision decision or development decision by a subdivision authority, development authority, subdivision and development appeal board, or the Land and Property Rights Tribunal or any other authorization under this Part.
- (2) When an application is received by a municipality for a statutory plan amendment, land use bylaw amendment, subdivision approval, development permit or other authorization under this Part and the application is consistent with a licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC, the municipality must approve the application to the extent that it complies with the licence, permit, approval or other authorization granted under subsection (1).
- (3) An approval of a statutory plan amendment or land use bylaw amendment under subsection (2)
 - a. must be granted within 90 days after the application or a longer time agreed on by the applicant and the municipality, and
 - b. is not subject to the requirements of section 692 unless, in the opinion of the municipality, the statutory plan amendment or land use bylaw amendment relates to matters not included in the licence, permit, approval or other authorization granted by the NRCB, ERCB, AER, AEUB or AUC.
- (4) If a municipality that is considering an application under subsection (2) holds a hearing, the hearing may not address matters already decided by the NRCB, ERCB, AER, AEUB or AUC except as necessary to determine whether an amendment to a statutory plan or land use bylaw is required.
- (5) If a municipality does not approve an application under subsection (2) to amend a statutory plan or land use bylaw or the municipality does not comply with subsection (3), the applicant may appeal to the Land and Property Rights Tribunal by filing with the Tribunal
 - a. a notice of appeal, and
 - b. a statutory declaration stating why mediation was unsuccessful or why the applicant believes that the municipality was unwilling to attempt to use mediation.
- (11) In this section, “NRCB, ERCB, AER, AEUB or AUC” means the Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission.

Section 620

A condition of a license, permit, approval or other authorization granted pursuant to an enactment by the Lieutenant Governor in Council, a Minister, a Provincial agency or Crown-controlled organization as defined in the *Financial Services Administration Act* or a delegated person as defined in Schedule 10 to the *Government Organization Act* prevails over any condition of a development permit that conflicts with it.



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.c

Topic: Regulation of Recreational Vehicles and County Owned Reserve Lands

Presented By: Planning & Development Services & Enforcement Services.

Recommendation:

- 1) That Smoky Lake County give Second Reading to Bylaw 1433-23 Amending Land Use Bylaw (LUB) 1272-14 and Municipal Development Plan (MDP) Bylaw 1249-12.
- 2) That Smoky Lake County give Third and Final Reading to Bylaw 1433-23 Amending Land Use Bylaw (LUB) 1272-14 and Municipal Development Plan (MDP) Bylaw 1249-12.
- 3) That Smoky Lake County give Second Reading to Recreational Vehicles Bylaw 1432-23.
- 4) That Smoky Lake County give Third and Final Reading to Recreational Vehicles Bylaw 1432-23.
- 5) That Smoky Lake County give Second Reading to Bylaw 1434-23 Regulation of Municipal Land and Reserves.
- 6) That Smoky Lake County give Third and Final Reading to Bylaw 1434-23 Regulation of Municipal Land and Reserves.
- 7) That Smoky Lake County adopt the proposed Reserves Lands Management Policy 61-25-01.
- 8) That Smoky Lake County adopt the proposed *amended* Encroachment Agreements/Licenses Policy 61-25-02.

Background:

Presently, Smoky Lake County does not have any enforcement or decision-making framework in place for managing its reserve lands. Similarly, the existing provisions for regulating Recreational Vehicles within the Land Use Bylaw are challenging to enforce.

January 24th, 2023 - Motion 279-23: *That Smoky Lake County administration undertake drafting a bylaw to amend the Land Use Bylaw and remove the provisions which regulate RVs in hamlets and on lake lots, and instead establish a stand-alone Penalties Bylaw with enforceable fines and penalties in respect to RVs, and removal of vegetation and encroachments on County Owned Lands etc., for consideration at a future Council Meeting held prior to the camping season.*
Carried.

March 16th, 2023 - Council gave First Reading to each of the proposed bylaws, scheduled a statutory Public Hearing, and differed the proposed policy changes.

With the Statutory Public Hearing having occurred today, Council may now give consideration of Second and Third Readings of the proposed bylaws, and adoption of the proposed and revised policy statements.

Administration is prepared to entertain any proposed amendments to the proposed documents.



Request for Decision (RFD)

Benefits: Appropriate enforcement tools.

Disadvantages: *Phased implementation with an education-first approach, staff time, and public push-back. Furthermore, these documents do not resolve jurisdiction on the bed and shore.*

Alternatives: Council may defeat the proposed bylaws/policies or differ a decision.

Financial Implications: There have been some minor budget implications for advertising the Public Hearing.

Legislation: Part 17, Municipal Government Act, M-26 RSA 2000

Intergovernmental: Involvement of Alberta Environment and Protected Areas, and Alberta Forestry Parks and Tourism.

Strategic Alignment: Proactivity in Development

Enclosure(s):

- Proposed Recreational Vehicles Bylaw 1432-23 © Attachment 1
- Proposed Bylaw 1433-23 Amending Land Use Bylaw (LUB) 1272-14 and Municipal Development Plan (MDP) Bylaw 1249-12 © Attachment 2
- Proposed Regulation Municipal Land and Reserves Bylaw 1434-23 © Attachment 3
- Proposed Reserves Lands Management Policy 61-25 © Attachment 4
- Proposed Encroachment Agreements/Licenses Policy 61-21 © Attachment 5

Signature of the CAO: _____

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized and appears to consist of several overlapping loops and strokes.

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1432-23**

A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of regulating Recreational Vehicles (RVs) in Smoky Lake County.

WHEREAS, pursuant to the provisions of the Municipal Government Act RSA 2000 Ch. M-26.1, 7(i) with amendments thereto, a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under this or any other enactment including the creation of offences and for each offence, imposing a penalty; and

WHEREAS the penalties approved by this bylaw will replace existing penalties in several bylaws.

NOW THEREFORE the Council of Smoky Lake County, duly assembled, hereby enacts as follows:

1. Title

- a. This Bylaw may be cited as "Smoky Lake County Recreational Vehicles (RV) Bylaw".

2. Definitions

- a. **Agricultural, Crown Lands, and other Areas** means those places within Smoky Lake County that are Zoned Agriculture (AG) District, Victoria Agriculture (A1) District, Victoria Residential (R3) District, Victoria Commercial District (C2) District, Highway Commercial (C1) District, Industrial (M1) District, Rural Industrial District (M2), Community and Institutional (P) District.
- b. **Hamlet Area** means those places within Smoky Lake County that are Zoned Hamlet General (HG) District under the Land Use Bylaw such as Warspite, Bellis, Edwand, and Spedden.
- c. **Land Use Bylaw** means the Land Use Bylaw adopted by Smoky Lake County, as amended.
- d. **Recreational Vehicle** means a vehicle primarily designed as temporary living quarters for recreational camping or travelling, which either has its own motor power or is mounted onto or drawn by another vehicle.
- e. **Subdivision and Lake Subdivision Area** means those places within Smoky Lake County that are Zoned Country Residential (R1) District or Residential (Cluster) Conservation (R2) District such as Hanmore, Haynes Estate, Sandy Lane Park at Mons Lake, Mons Lake Estates, Mons View Resort, Bonnie Lake Resort, Hillside Acres at Whitefish Lake, Birchland at Garner Lake, Parkview at Garner Lake, Sunset Beach at Garner Lake, and Wayetenau Lake Subdivision.
- f. **Zoned** means the land use district as established by the Smoky Lake County Land Use Bylaw.

3. Regulations

Bylaw No. 1432-23

- a. The year-round placement of up to 2 (two) Recreational Vehicles is permitted in Hamlet, Subdivision, and Lake Subdivision areas.
- b. Additional Recreational Vehicles may be permitted for up to a maximum of 4 (four) consecutive days within the Hamlet and Subdivision, and Lake Subdivision areas.
 - i. An additional Recreational Vehicle shall be removed from the site for a minimum of 24 (twenty four) hours before the 4 (four) consecutive day occupation period may be renewed.
- c. No Recreational Vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply, or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved recreational vehicle park and has been permitted under the County's Land Use Bylaw.
- d. This Bylaw does not restrict the number of Recreational Vehicles that may be permitted on Agricultural, Crown Lands, and Other Areas.

4. Penalty

- a. The following penalties may be applied in the event of an offence or violation:
 - i. 1st Offence: \$100
 - ii. 2nd Offence: \$350
 - iii. 3rd Offence: \$500
- b. Each day on which an offence occurs may be considered to be an additional and separate offence.

5. Severability

- a. If any portion of this Bylaw is found to be invalid, the remaining portions remain in effect.

6. Effect

- a. This Bylaw takes effect upon Third Reading.

7. Amendment

- a. This Bylaw may be amended by Bylaw in accordance with the Municipal Government Act R.S.A. 2000, c. M-26, as amended.

READ a First Time this 16th day of March, **AD 2023**.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER

READ a Second Time this _____ day of _____, **AD 2023**.

READ a Third and Final Time this _____ day of _____, **AD 2023** and finally

Bylaw No. 1432-23
passed by Council.

S E A L

REEVE

CHIEF ADMINISTRATIVE OFFICER

DRAFT

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1433-23**

A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of Amending Land Use Bylaw (LUB) 1272-14 and Municipal Development Plan (MDP) Bylaw 1249-12 to remove provisions dealing with Recreational Vehicles (RVs).

WHEREAS Council has adopted Smoky Lake County Bylaw 1272-14 to be the Land Use Bylaw;

WHEREAS Council has adopted Smoky Lake County Bylaw 1249-12 to be the Municipal Development Plan;

WHEREAS it is deemed expedient to amend Bylaw 1272-14 as set out in Section 692 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

WHEREAS it is deemed expedient to amend Bylaw 1249-12 as set out in Section 692 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

WHEREAS a Public Hearing has been held pursuant to Section 216.4 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

WHEREAS said Public Hearing has been advertised pursuant to Section 606 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, and amendments thereto;

NOW THEREFORE under the authority and subject to the provisions of the *Municipal Government Act*, and by virtue of all other enabling powers, the Council of Smoky Lake County, duly assembled, enacts as follows:

1. Title

- a. This Bylaw may be cited as: ‘A Bylaw amending the Smoky Lake County Land Use Bylaw 1272-14 and amending the Smoky Lake County Municipal Development Plan Bylaw 1249-12, to remove certain Recreational Vehicles (RV) provisions.’

2. Smoky Lake County Land Use Bylaw 1272-14 is hereby amended:

- a. **Section 2.2.1.R Development Not Requiring a Development Permit:**

‘the parking or storage, or both, of up to two (2) recreational vehicles on any lot’

is struck.

- b. **Section 6.12.3.A.i Objects Prohibited or Restricted in Yards:**

‘is a recreational vehicle and satisfies the requirements of Section 7.23; or’

is struck.

c. Section 7.25 Recreational Vehicles:

'1. The year-round placement of 2 (two) recreational vehicles on a parcel in Multi-lot Country Residential (R1), Residential (Cluster) Conservation (R2), Victoria Residential(R3) or Hamlet General (HG) Districts is allowed without a development permit.

2. Additional recreational vehicles shall be permitted within the Multi-lot Country Residential (R1), Residential (Cluster) Conservation (R2), Victoria Residential (R3) or Hamlet General (HG) Districts for a maximum of four (4) consecutive days.

3. No recreational vehicle shall be permanently connected to any utility or municipal service, such as power, gas, water supply, or sanitary sewage disposal facilities unless the recreational vehicle is located in an approved recreational vehicle park.

4. This section does not apply to the placement of recreational vehicles in the Agriculture District (AG), Victoria Agriculture District (A1), Highway Commercial District (C1), Victoria Commercial District (C2), Industrial District (M1), Rural Industrial District (M2), Institutional & Community District (P), Direct Control District (DC), and Direct Control Landfill District (DC1).'

is struck.

d. Section 8.2.F Agriculture (AG) District:

'The keeping of recreational vehicles shall be provided in accordance with Section 7.23 of this Bylaw.'

is struck.

e. Section 8.3.F Victoria Agriculture (A1) District:

'The keeping of recreational vehicles shall be provided in accordance with Section 7.23 of this Bylaw.'

is struck.

f. Section 8.4.F Multi-Lot Country Residential (R1) District:

'The keeping of recreational vehicles shall be provided in accordance with Section 7.23 of this Bylaw.'

is struck.

3. Smoky Lake County Municipal Development Plan Bylaw 1249-12 is hereby amended:

a. Objective 3.5.5: *'To allow for some limited, strictly regulated, small lot development for the parking and use of recreational vehicles in lakeshore area'*

and

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Policy 3.5.5.1: *‘Some small developments for the sale of individual lots for the parking of recreational vehicles in lakeshore areas may be allowed provided that the locations do not interfere with lake access or with the amenities of nearby country residential areas and provided also that the use of the lots is strictly limited to trailer parking, and not year-round residency, and provided further that any construction of any other buildings, including decks, gazebos, storage sheds, etc., and the placement and/or use of more than one recreational vehicle on each lot, is strictly prohibited.’*

is struck.

4. Severability

- a. If any portion of this Bylaw is found to be invalid, the remaining portions remain in effect.

5. Effect

- a. This Bylaw takes effect upon Third Reading.

6. Amendment

- a. This Bylaw may be amended by Bylaw in accordance with the *Municipal Government Act R.S.A. 2000, c. M-26, as amended.*

READ a First Time this 16th day of March, AD 2023.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER

A Statutory Public Hearing having been held this _____ day of _____, AD 2023.

READ a Second Time this _____ day of _____, AD 2023.

READ a Third and Final Time this _____ day of _____, AD 2023 and finally passed by Council.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1434-23**

**A Bylaw of Smoky Lake County, in the Province of Alberta for the purpose of
Protecting and Regulating Municipal Lands and Reserves.**

WHEREAS pursuant to Section 7 (a) as well as Division 9 of the Municipal Government Act Revised Statutes of Alberta, 2000, Chapter M-26 and the amendments thereto, as amended from time to time, Smoky Lake County may pass Bylaws for the protection and preservation of Municipal Lands and Reserves.

NOW THEREFORE the Council of Smoky Lake County, duly assembled, and pursuant to the authority conferred upon it by the Municipal Government Act R.S.A. 2000, c. M-26 as amended, enacts as follows:

1. TITLE

1.1 This Bylaw may be cited as "Smoky Lake County Regulation of Municipal Land and Reserves Bylaw."

2. DEFINITIONS

2.1 **"Bylaw Enforcement Officer"** means

- a) Any member of the police of jurisdiction
- b) Any Community Peace Officer
- c) The Chief Administrative Officer of Smoky Lake County or any person designated by the Chief Administrative Officer to enter and inspect property in accordance with the provisions of this Bylaw.

2.2 **"Chief Administrative Officer"** means the Chief Administrative Officer of Smoky Lake County regardless of any subsequent title that may be conferred on that Officer by Council or statute, or his or her designate.

2.3 **"Clear-cutting"** means the felling and removal of all or most of the trees from a given tract of land.

2.4 **"Council"** means the Municipal Council of Smoky Lake County.

2.5 **"County"** means Smoky Lake County, a municipal corporation in the Province of Alberta and where the context so requires means the area contained within the corporate boundaries of the said municipality.

2.6 **"Environmental Reserve" (ER)** – means a part of land parcel designated as an environmental reserve as defined under the Municipal Government Act R.S.A. 2000, c-M-26.

2.7 **"Litter"** means any solid or liquid material or product or combination of solid or liquid materials or products including, but not limited to:

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- a) Any rubbish, refuse, garbage, paper, package, container, bottle, can, manure, or sewage or the whole or part of an animal carcass; or
 - b) The whole or part of any article, raw or unprocessed material, motor vehicle or other machinery, that is disposed of; or
 - c) Any dirt, gravel, rock, sand, rubble, or clean fill; or
 - d) Any other material or product that is designated as litter in the Alberta Environmental Protection and Enhancement Act, as amended from time to time, and the Regulations thereunder. 2.8.
- 2.8 **“Motor Vehicle”** means a motor vehicle as defined in the Traffic Safety Act, R.S.A. 2000 c. T.6., as amended from time to time and the regulations thereunder.
- 2.9 **“Municipal Land”** means a parcel of land or a part of a parcel of land owned by the County, or land in which the County is in the process of acquiring, and does not include lands designed for public use, including but not limited to, campgrounds. Such lands include, but are not limited to, lands designated as Municipal Reserve, School Reserve, Municipal and School Reserve, Environmental Reserve, or Public Utility Lot.
- 2.10 **“Municipal Reserve” (MR)** means a part of a land parcel designated as a Municipal Reserve as defined in the Municipal Government Act R.S.A. 2000, c. M-26.
- 2.11 **“Municipal and School Reserve” (MSR)** means a part of a land parcel designated as municipal and school reserve as defined in the Municipal Government Act R.S.A. 2000, c. M-26.
- 2.12 **“Nuisance”** means any activity or condition within Smoky Lake County which interferes with, annoys, disturbs, injures, or endangers the safety, comfort, peace, or health of others.
- 2.13 **“Order to Comply”** means an Order or warning, issued under this Bylaw.
- 2.14 **“Permit”** means a written authorization issued pursuant to approval granted by Smoky Lake County in respect to activities on Municipal Lands, Reserves, or structures.
- 2.15 **“Permittee”** means a person who has applied for and obtained a Permit in respect to activities on Municipal Lands, Reserves, or other structures.
- 2.16 **“Public Utility Lot” (PUL)** means a part of a land parcel designated as a Public Utility Lot as defined in the Municipal Government Act, R.S.A. 2000, c. m-26.
- 2.17 **“Reserve Lands”** means an Environmental Reserve, a walkway, a Municipal Reserve, a School Reserve, a Municipal and School Reserve, as defined in the Municipal Government Act, R.S.A. 2000, c. M-26.

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- 2.18 **“School Reserve” (SR)** means a part of a land parcel designated as a School Reserve as defined in the Municipal Government Act, R.S.A. 2000, c. M-26.
- 2.19 **“Strict Liability”** means a Person is responsible for the damage and loss caused by their acts and omissions regardless of culpability.
- 2.20 **“Structures”** means any man-made building or feature with the exception of seasonal docks or piers.
- 2.21 **“Unauthorized Use”** means any use which falls under offenses on any Reserve Lands without a valid Permit.
- 2.22 **“Violation Tag”** means a tag or similar document issued by the County pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26 as amended; and
- 2.23 **“Violation Ticket”** means a ticket issued to Part 2 or Part 3 of the Provincial Offences and Procedures Act, R.S.A. 2000, c. P-34.

3. AUTHORITY OF BYLAW ENFORCEMENT OFFICERS

- 3.1 Any Bylaw Enforcement Officer appointed or employed by the County are authorized to enforce any section of this Bylaw.
- 3.2 Bylaw Enforcement Officers for the purpose of this Bylaw may:
 - a) Enforce any part of this Bylaw within the County corporate boundary;
 - b) Access any Municipal Land, Municipal Reserve, or Structure, at any time for inspection or enforcement activities;
 - c) Suspend or cancel Permits issued pursuant to any Municipal Land or Municipal Reserve;
 - d) Order a person or corporation to cease and desist any activity on Municipal Land, Municipal Reserve or Structure, which in the opinion of the Bylaw Enforcement Officer, such activity may compromise the quality of the Land or Reserve;
 - e) Order the restoration of any disturbed Municipal Land or Municipal Reserve to their original condition at the offender’s expense;
 - f) Remove or seize any items not described within the terms of an authorized Permit.
 - g) Serve written notice describing the unsatisfactory condition(s), expectations of restoration, and a date to which such restoration is to be completed by. Failure to meet conditions may result in prosecution.

4. OFFENCES

- 4.1 No person shall without, a written authorized Permit:
 - a) Dig in the earth, or remove any natural feature or man-made Structure from Municipal Land or Municipal Reserve;
 - b) Construct or remove a Structure on any Municipal Lands or Municipal Reserve; or

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- c) Place or erect any Structures, signs, bulletins, posts, poles or advertising devices or any kind, attach any notice, bill, poster, wire, or cord to any tree, shrub, fence, railing, post, or Structure on any Municipal Land or Municipal Reserve.

4.2 No person shall under any circumstances:

- a) In any way injure or deface any turf, tree, shrub, hedge, plant, flower, or structure on Municipal Land or Municipal Reserve;
- b) Fail to produce a valid permit, license, or approval at the request of a Bylaw Enforcement Officer, on any Municipal Land, Municipal Reserve, or Structure;
- c) In the opinion of a Bylaw Enforcement Officer, conduct any activity, which causes the disturbance to anyone's peaceful enjoyment of public or private property;
- d) Discard any Litter on land or water on Municipal Land or Municipal Reserve;
- e) Obstruct at Bylaw Enforcement Officer in the performance of his investigation and lawful authority to enforce this Bylaw;
- f) Discharge contaminants including but not limited to fuel, herbicides, and fertilizers on any Municipal Land or Municipal Reserve;
- g) Sell or offer for sale any article of food, drink, or merchandise, or carry on any business on any Municipal Land or Municipal Reserve;
- h) Park or operate any Motor Vehicles or trailers on Municipal Land or Municipal Reserve;
- i) Park or operate any Off Highway Vehicles (OHVs) in a dangerous manner, besides for the purpose of conveying boats or provisions to or from the lakeshore;
- j) Camp or take occupancy on any Municipal Land or Municipal Reserve;
- k) Light any outdoor fire on Municipal Land or Municipal Reserve;
- l) Permit any livestock to graze on any Municipal Land or Municipal Reserve;
- m) Discharge any firearms, rockets, fireworks, or other projectiles on Municipal Land or Municipal Reserve;
- n) Hunt or trap any animal on Municipal Reserve, Environmental Reserve, School Reserve, or Municipal and School Reserve; or
- o) Clear-cutting.

5. GENERAL PENALTY PROVISION

- 5.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as set out under the Penalties Bylaw.

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5.2 Notwithstanding Section 5.1 of this Bylaw, any person who commits a second or subsequent offence under this Bylaw within one (1) year of committing another offence under this Bylaw; and who was:

- a) Found liable on summary conviction for that earlier offence; or
- b) Who was issued a Violation Tag and paid the amount specified in the Violation tag within thirty (30) days;

May be liable on summary conviction to a fine as set out under the Penalties Bylaw.

6. SPECIFIED PENALTIES

6.1 Under this Bylaw, the following penalties are specified:

- 6.1.1 1st Offence: \$100
- 6.1.2 2nd Offence: \$200
- 6.1.3 3rd Offence: \$500

6.2 The levying and payment of any fine or the imprisonment for any period in this section shall not relieve a person from the necessity of paying any fees, charges, or costs from which he is liable under the provisions of this Bylaw.

6.3 If a person violates the same provision of this Bylaw twice within a one-year period, the minimum and specified penalty for the second violation shall increase in amount from the first violation.

6.4 A Provincial Judge or Commissioner, in addition to penalties, may if they consider the offence sufficiently serious, direct or order restoration of the affected land or, order compensation to be paid to the County as a result of costs incurred by the County for restoration.

7. VIOLATION TAGS

7.1 A Bylaw Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any person, whom the Bylaw Enforcement Officer has reasonable and probable grounds to believe contravened any provision of this Bylaw.

7.2 A Violation Tag may be issued to such a person:

- a) Either personally;
- b) By mailing a copy to the Owner's last known post office address

7.3 The Violation Tag shall be in a form approved by the County and shall state:

- a) The name of the Owner;
- b) The offence;
- c) That the penalty shall be paid within thirty (30) days on the issuance of the Violation Tag; and
- d) Any other information the County deems pertinent.

7.4 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Enforcement Officer,

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provided however, that no more than one Violation Tag shall be issued for each day the contravention continues.

- 7.5 Where a Violation Tag is issued pursuant to this Section, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the County the penalty specified on the Violation Tag.
- 7.6 Nothing in this Bylaw shall prevent the Bylaw Enforcement Officer from immediately issuing a Violation Ticket.

8. VIOLATION TICKETS

- 8.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Bylaw Enforcement Officer is authorized and empowered to issue a Violation Ticket pursuant to Part 2 or Part 3 of the Provincial Offences Procedures Act, S.A. 2000, c. P-34.
- 8.2 Notwithstanding anything in this Bylaw, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part 2 or Part 3 of the Provincial Offences Procedure Act, S.A. 2000, c. P-34 to any person who the Bylaw Enforcement Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

9. ENFORCEMENT

- 9.1 Where a Bylaw Enforcement Officer has reasonable grounds to believe that a person has violated any provision of this Bylaw, the Bylaw Enforcement Officer may issue a Violation Tag, or may commence court proceedings against such a person by issuing a Violation Ticket or an Order to Comply to remedy the contravention in any manner deemed necessary in the circumstances pursuant to Section 545 of the Municipal Government Act; or
- 9.2 Where a Bylaw Enforcement Officer issues a person an Order to Comply, the Officer may:
- a) Identify the Unauthorized Use;
 - b) Direct the person to take action or measures necessary to remedy the Unauthorized Use including, but not limited to, the restoration of the Municipal or Reserve Land to a natural state; and
 - c) State the time within which the person must fulfill the Order to Comply;
 - d) State that if the person does not abide by the Order to Comply in a specified time, the County may take action or measures at the expense of the person.
- 9.3 Where a contravention of this Bylaw is of a continuing nature, further Violation Tags may be issued by the Bylaw Enforcement Officer, provided however, that no more than one Violation Tag shall be issued for each day the contravention continues.
- 9.4 Where a Bylaw Enforcement Officer issues a person a Violation Ticket, the Bylaw Enforcement Officer may either:

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- a) Allow the person to pay the specified penalty as indicated on the Violation Ticket; or
- b) Require a court appearance of the person where the Bylaw Enforcement Officer believes that such an appearance is in the public interest, pursuant to the provisions of Part 2 or Part 3 of the Provincial Offences Procedure Act.

9.5 No provision of this Bylaw nor any action taken pursuant to any provision of this Bylaw shall restrict, limit, prevent, or preclude the County from pursuing any other remedy in relation to a premises provided by the Municipal Government Act, or any other law in the Province of Alberta.

10. SEVERABILITY

10.1 If any portion of this Bylaw is found to be invalid, the remaining portions remain in effect.

11. EFFECT

11.1 This Bylaw takes effect upon Third Reading.

12. AMENDMENT

12.1 This Bylaw may be amended by Bylaw in accordance with the Municipal Government Act R.S.A. 2000, c. M-26, as amended.

This Bylaw comes into effect upon the date of the final reading thereof.

READ a First Time this 16th day of March, AD 2023.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER

READ a Second Time this _____ day of _____, AD 2023.

READ a Third and Final Time this _____ day of _____, AD 2023 and finally passed by Council.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER

SMOKY LAKE COUNTY



Title: Reserve Lands Management Policy	Policy No.: 25	
Section: 61	Code:	Page No.: 1 of 1

Legislation Reference:	Municipal Government Act RSA 2000, Ch. M-26.
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Purpose:	Smoky Lake County deems it appropriate to regulate its municipally owned lands, including Reserve lands.
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Policy Statement and Guidelines:

1. STATEMENT:

1.1 Smoky Lake County recognizes that there is a need to carefully manage the County's reserve lands to provide benefits for the general public and to protect the natural environment. This policy provides direction for administration regarding the management of reserve lands, the removal or licensing of existing encroachments on Reserves, the potential disposal of existing reserve lands and the acquisition of reserve lands in new subdivisions.

1.2 Smoky Lake County uses reserve lands, as defined by the Municipal Government Act (MGA), to provide lands for schools, parks, recreation purposes or preserving natural areas. These lands are dedicated to the municipality through the subdivision process. Reserve lands are designated on title as either Environmental Reserve (ER), Municipal Reserve (MR), School Reserve (SR), Municipal and School Reserve (MSR), or Community Service Reserve (CSR), Conservation Reserve (CR). The municipality acquires Reserve lands at the time of subdivision.

1.3 Environmental Reserve (ER)

1.3.1 A developer may be required to provide the following as Environmental Reserve:

1.3.1.1 land that is a swamp, gully, ravine, coulee, or natural drainage course;

1.3.1.2 land that is subject to flooding; or

1.3.1.3 a strip of land not less than 6 meters in width adjacent to a body of water.

1.3.2 Environmental Reserve must be left in its natural state or used as a park. Although the County may pass a bylaw allowing Environmental Reserve to be used for some other purpose or lease the land for a term not exceeding three years.

1.3.3 Development on or in proximity to hazardous areas may be considered only if recommended in a geotechnical study prepared by a qualified professional.

1.4 Municipal Reserve (MR), School Reserve (SR), or Municipal and School Reserve

(MSR)

1.4.1 A developer may be required to provide the following as MR, SR or MSR:

1.4.1.1 Up to 10 percent of the land that is the subject of the application, less environmental reserve, for park, school, and recreation purposes.

1.4.2 Lands with these designations can only be used for park, recreation, or school authority purposes.

1.5 Community Service Reserve (CSR)

1.5.1 If a school board no longer requires a site that has been designated School Reserve or Municipal and School Reserve, it must request approval of that designation from the Minister of Education to declare the site surplus. If declared surplus, the school board may transfer the land to the municipality. The municipality may dispose of the land or designate the school building portion of the site as community service reserve, which may be used for a/an: ambulance services facility, affordable housing, fire station, municipal facility providing direct service to the public, public library, police station, non-profit day care facility, a non-profit senior citizen facility, a non-profit special needs facility.

1.6 Conservation Reserve (CR)

1.6.1 The MGA allows the County to require a developer to provide land for conservation purposes if the taking of the reserve is consistent with any of the County's statutory plans and the municipality compensates the landowner at the market value of the land. The County must not sell, lease, or otherwise dispose of conservation reserve, and the land must remain in its natural state.

1.7 POLICY STATEMENTS:

1.7.1 Background

1.7.1.1 Under the Municipal Government Act, the County may request a landowner who is subdividing land to set aside a portion of their property as municipal and/or environmental reserve. Municipal Reserves are lands that are acquired by the municipality for parks and recreation purposes. Environmental Reserves are intended to remain in their natural state.

1.7.1.2 The County will request the dedication of lands as environmental reserve to prevent environmental damage that can result from development and to guard against the development occurring on potential hazardous lands that may damage persons or property. Environmental Reserves are also important in providing for public access to water bodies and watercourses. All Reserve lands are owned and managed by the municipality.

1.7.1.3 Reserve lands are not intended for private use by adjacent landowners. The County is responsible for ensuring that Reserve lands remain safe and

available for public enjoyment. The County will not provide maintenance and upkeep of Reserve lands unless a significant public safety hazard is present.

1.7.2 Municipal Reserves (MR)

- 1.7.2.1 The management of MR lands is intended to provide a suitable land base for the provision of recreation facilities for the use and enjoyment of County residents and the general public.
- 1.7.2.2 Municipal Reserves may provide important access links to other lands, including water access, and can also offer undeveloped green spaces that act as buffers between different land uses.
- 1.7.2.3 Smoky Lake County may allow public recreation facilities on MR lands where there is enough interest and demand, as determined by the County. Typical facilities to be considered for municipal Reserves include but are not limited to sports fields, picnic sites, swimming beaches, community fire pits, skating rinks, trails, pathways, and associated facilities such as parking lots, toilets, or washrooms.
- 1.7.2.4 The County may require subdivision developers to provide recreational facilities in new subdivisions.
- 1.7.2.5 The County encourages local communities to work with the municipality to develop recreational facilities. The County may work with residents, groups, or community associations to address ongoing maintenance requirements such as litter picking, sign and fence repairs, and weed control.
- 1.7.2.6 Public trails may be developed on MR lands, at the discretion of the County.
- 1.7.2.7 Motorized vehicles will not be permitted on reserve lands unless the County approves a parking lot within the MR lands.
- 1.7.2.8 Commercial facilities and services will not be permitted on Reserve lands.
- 1.7.2.9 In MR locations that are in their natural state without developed recreation facilities, the removal of vegetation will generally not be permitted. However, vegetation removal may be considered where there is a public safety hazard or for agricultural purposes as determined by the County. Mowing will only occur to control weeds and reduce fire hazards. Removal of vegetation and mowing will be undertaken by the County unless otherwise authorized. Placement of fill material and other yard waste (grass clippings, tree prunings, etc.) or the removal of any material will not be allowed.
- 1.7.2.10 Landings, pathways, walkways, stairs, retaining walls or similar private structures may be accommodated on MR lands if, in the opinion of the

County, the structures do not pose a hazard to public safety, impede year-round public access, or unduly interfere with the use and enjoyment of neighboring properties. To accommodate the structure the County requires landowners to apply for an Encroachment Agreement or Encroachment License, as directed by the County's Encroachment Agreements Policy.

1.7.2.11 The winter storage of docks or boats hoists may be permitted on MR lands providing the landowner has a Temporary Field Authorization from the Province authorizing the location of the structure. All docks must be clearly marked making them visible during the winter months.

1.7.2.12 MR lands will not be leased under any circumstances.

1.7.2.13 The County is not required to provide recreational facilities on MR lands. Residents interested in creating pathways, stairs, or other facilities may do so by obtaining a permit as per the County Land Use Bylaw.

1.7.3 Environmental Reserves (ER) and Conservation Reserves (CR)

1.7.3.1 The management of ER and CR lands is intended to protect the natural environment of the Reserve lands and surrounding area. They will also be managed to protect human life and property from hazardous environmental conditions (flooding, unstable slopes, etc.) and provide access to lakes and rivers.

1.7.3.2 ER and CR lands will be left in their natural condition as much as possible. The removal of vegetation from ER or CR lands will not be permitted, except where there is a public safety hazard as determined by the County and/or Alberta Environment. Mowing will only occur to control weeds and reduce fire hazards. Removal of vegetation and weed control will be undertaken by the County. Placement of fill material or other yard wastes (grass clippings, tree prunings, etc.) or the removal of any material will not be allowed.

1.7.3.3 Public trails or other uses may be developed on ER and CR lands, at the discretion of the County through a bylaw process and/or Alberta Environment.

1.7.3.4 Motorized vehicles will not be permitted on ER or CR lands unless the County approves a parking lot within the ER or CR lands.

1.7.3.5 In subdivisions along lakeshores and rivers, a limited number of public access facilities, like pathways and stairs, may be permitted to allow safe access across ER lands to the water's edge. The number and location of access facilities will be determined by the County. The access facilities must be built and maintained in a safe and environmentally responsible manner. Stairs and staircases shall meet building code requirements or be certified by a professional engineer.

1.7.3.6 Landings, pathways, walkways, stairs, retaining walls or similar private

structures may be accommodated on ER or CR lands if, in the opinion of the County, the structures do not pose a hazard to public safety, impede year-round public access, unduly interfere with the use and enjoyment of neighboring properties, or diminish or threaten the sustainability of the resource. To accommodate the structure the County requires landowners to apply for an Encroachment Agreement or Encroachment License, as directed by Smoky Lake County's **Encroachment Agreements/Licenses Policy Statement 61-21** as amended and/or receive approvals from Alberta Environment.

1.7.3.7 No private access facilities will be permitted on ER or CR lands.

1.7.3.8 Commercial facilities and services will not be permitted on ER or CR lands.

1.7.3.9 The winter storage of docks or boats hoists may be permitted on ER or CR lands, providing the landowner has a Temporary Field Authorization from the Province authorizing the location of the structure. The docks must be clearly marked making them visible during the winter months. The environmental integrity of ER or CR lands shall not be compromised to accommodate temporary storage locations.

1.7.3.10 ER and CR lands will not be leased under any circumstances.

1.7.4 Encroachments and Unauthorized Structures on Municipal Reserve Lands

1.7.4.1 Refer to the Smoky Lake County **Encroachment Agreements/Licenses Policy Statement 61-21** as amended for instances of the unauthorized installation of private facilities and structures such as sheds, fences, gardens, material storage, driveways, and buildings on MR lands.

1.7.5 Encroachments and Unauthorized Structures on Environmental Reserve Land or Conservation Reserve Lands

1.7.5.1 Refer to the Smoky Lake County **Encroachment Agreements/Licenses Policy Statement 61-21** as amended for instances of the unauthorized installation of private facilities and structures such as sheds, fences, gardens, material storage, driveways, and buildings on ER and CR lands.

1.7.6 Undesignated Reserves

1.7.6.1 Reserve lands in older subdivisions may be known to be community reserve, park, or simply reserve. These designations refer to language that was used in previous legislation prior to 1980.

1.7.6.2 The County can choose how to manage these undesignated Reserves with regards to the current definitions of MR and ER.

1.7.6.3 Smoky Lake County will manage and use undesignated reserve lands on an

assessment of the reserve parcel relative to the criteria outlined in the Municipal Government Act, as amended from time to time.

1.7.6.4 An undesignated reserve, or portion of a reserve, that encompasses a swamp, ravine, or natural drainage course, or is subject to flooding, or may be unstable will be managed by the County and used as if it is ER. Undesignated Reserves adjacent to lakes, rivers, streams, or other bodies of water will also be considered as ER.

1.7.6.5 Undesignated reserve land, or portion of a reserve that is suitable for recreation activities or serve as a buffer between different land uses, or provide an access link, shall be managed by the County as if they are MR.

1.7.7 Disposal of Reserves

1.7.7.1 7.1 The County values the future potential of reserve lands and may not sell or lease municipal reserve or environmental reserve land except by Bylaw, which will provide the Public an opportunity to comment on the proposed sale or lease.

1.7.8 New Municipal Reserves

1.7.8.1 As new subdivisions are proposed, the County can acquire new reserve lands, money in lieu of land dedication, or a combination of land and money. The following policies will guide the County's actions with regards to reserve requirements.

1.7.8.2 In new industrial and commercial subdivisions near towns and summer villages, the County may require MR land dedication to set aside lands for community and regional recreational facilities. In other industrial and commercial subdivisions, the County may take cash in lieu rather than the dedication of land for MR.

1.7.8.3 Linear corridors may be taken as MR in industrial and commercial subdivisions to provide connections to adjoining subdivisions, lands or other Reserves where a demand for trails or pathways is anticipated.

1.7.8.4 The County may consider the dedication of MR in a rural residential subdivision where such dedication would serve one or more of the following purposes:

1.7.8.4.1 Responds to demand for recreation facilities and services that will benefit the future residents of the subdivision and any surrounding developments;

1.7.8.4.2 Provides land that is suitable and attractive for development of recreation facilities or opportunities;

1.7.8.4.3 Creates interconnected open space that provide trail links to adjoining subdivisions and other lands;

- 1.7.8.4.4 Protects natural features that cannot be protected by ER such as treed areas;
- 1.7.8.4.5 Achieves ecological connections for vegetation continuity or wildlife corridors;
- 1.7.8.5 Where a residential subdivision is proposed on or near a lakeshore or along a river, the County will require dedication of MR for one or more of the following purposes:
 - 1.7.8.5.1 To provide land that is suitable and attractive for development of recreation facilities and opportunities;
 - 1.7.8.5.2 To provide water access;
 - 1.7.8.5.3 To create interconnected open spaces that provide trail links to nearby shorelines, within a subdivision, or to adjoining subdivisions and other lands;
 - 1.7.8.5.4 To protect natural features that cannot be protected by ER; or
 - 1.7.8.5.5 To achieve ecological connections for vegetation continuity or wildlife corridors.
- 1.7.8.6 In new subdivisions where MR dedications are being taken, the subdivision developers will be required to build appropriate recreational facilities, as determined by the County such as picnic areas, playgrounds, and trails.

1.7.9 New Environmental Reserves

- 1.7.9.1 The County shall require the dedication of ER in new subdivisions to protect natural features such as shorelines, steep slopes, drainage courses, wetlands, or other water bodies, areas susceptible to flooding, groundwater recharge areas, natural vegetation, and fish and wildlife habitat.
- 1.7.9.2 Dedication of ER may also provide public access to lakes, rivers, and other bodies of water and watercourses.
- 1.7.9.3 Where possible, the County will ensure that the dedication of new ER is contiguous with existing and potentially new ER lands in order to provide an interconnected system of open spaces.
- 1.7.9.4 9.4 The County may require developers to reclaim or remediate lands proposed to be dedicated as ER if the proposed reserve lands are in poor environmental or unsafe condition as determined by the County. The reclamation or remediation work required by the County must be completed before the County accepts the reserve dedication.

1.7.10 Environmental Reserve Easements

1.7.10.1 Environmental reserve easements (ERE) are another tool that the County can use for the protection of the environment in new subdivisions. The natural features to be protected are the same as ER (drainage courses, wetlands, etc.). Lands subject to such an easement must remain in their natural condition. However, the lands are retained in private ownership and are not owned by the County as in the case of ER. Easements do not provide public access.

1.7.10.2 The County will not accept the registration of ERE in new subdivisions or in areas along lakes and rivers where public access to or along the shoreline may be required.

1.7.10.3 An ERE may be considered to protect environmental features where public access is not required or the environmental sensitivity of the site makes it unsuitable for public use (eg: wetlands). A clear statement on how the site will be controlled and used will be included in the ERE agreement.

1.7.11 Implementation

1.7.11.1 The County will periodically conduct a base line inventory of all reserve lands that identifies the condition of each reserve and any requirements for management actions.

1.7.11.2 Developments that occur after adoption of this policy will be expected to adhere to this new policy, thereby avoiding new encroachments and unauthorized structures on reserve lands.

	Date	Resolution Number
Approved	MONTH DAY, 2023	# XXXX - Page # XXXX
Amended		
Amended		

SMOKY LAKE COUNTY



Title: <u>Encroachment Agreements/Licenses</u>	Policy No: <u>21-01-02</u>
Section: <u>61</u>	Code: <u>P-1</u>
	Page No.: <u>1 of 17</u> <i>E</i>

Legislative Reference:	Municipal Government Act, R.S.A. 2000, Chapter M-26, Sec. 651.2; Land Titles Act, R.S.A. 2000, Chapter L-4, Sec. 72.
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Purpose:	The purpose of this policy is to provide the standards to which Encroachment Agreements or Licenses may be permitted for landscaping improvements, and/or structures placed within County Lands or Roadways. To implement a policy that will provide clarity and guidance to County administration and landowners with respect to encroaching structures and improvements on Municipally Owned Lands and Road Allowances.
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Policy Statement and Guidelines:

<p>1. STATEMENT:</p> <p>1.1 First and foremost, it is the County's preference to resolve encroachments by having the Landowner remove the encroachment and restore the affected area. However, once an encroachment is identified, the Landowner may make a request to the County for permission to keep the existing development that may be encroaching onto either a Roadway or reserve lands.</p> <p>1.1 Smoky Lake County recognizes that Encroachments exist and will continue to be discovered on Municipally-Owned Lands and Road Allowances.</p> <p>1.2 Smoky Lake County receives requests from private landowners to allow an Encroachment to remain on Municipally-Owned Lands and/or Road Allowances.</p> <p>1.3 The County may, from time to time, enter into Encroachment Agreements pursuant to the Municipal Government Act (MGA) pertaining to landscaping improvements or structures that encroach onto a roadway that is under the direction, control, and management of the County on land that is adjoining the roadway. For encroachments on Reserve Lands, the County may, from time to time, enter an Encroachment License.</p> <p>1.3 Smoky Lake County has established this Policy and related procedures to provide a clear and consistent process for evaluating applications to allow for Encroachments onto Municipally-Owned Lands and Road Allowances.</p> <p>2. OBJECTIVES:</p> <p>2.1 Smoky Lake County recognizes the importance of assisting the public by effectively managing Encroachments and wishes to provide a consistent approach in processing applications for Encroachment Agreements.</p> <p>2.2 Smoky Lake County must ensure that Encroachments onto Municipally-Owned Lands and Road Allowances do not adversely affect these lands and rights-of-way, or the County's ability to maintain effective services or restrict public access and enjoyment of lands for public use.</p> <p>3. DEFINITIONS:</p>
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For interpretation purpose:

~~3.1 Council: the Municipal Council of Smoky Lake County.~~

~~3.2 County: the Municipal Corporation of Smoky Lake County. resolution, an advertisement will be placed in the local newspaper for (2) two consecutive weeks.~~

~~3.3 Encroachment: anything placed, constructed or erected below, on or above ground, or attached to something placed, constructed or erected below, on or above ground, that extends on, over or under municipal lands including, but not limited to the following:~~

~~3.3.1 Buildings and all projections (including eaves, footings, foundations, weeping tiles, cantilevers, etc.) and siding;~~

~~3.3.2 Sheds (including those attached to a dwelling and/or fence);~~

~~3.3.3 Extensions of adjacent lands by fill or any deposit of fill;~~

~~3.3.4 Fences;~~

~~3.3.5 Sidewalks, curbs, parking pads, aprons or driveways made from concrete asphalt, brick or similar materials;~~

~~3.3.6 Structures (including decks, patios, gazebos, satellite dishes, antennae, decorative walls, etc.);~~

~~3.3.7 Retaining walls;~~

~~3.3.8 Swimming pools and hot tubs;~~

~~3.3.9 Shrubs, trees and other organic landscaping planted in Reserve Parcels or Municipally-Owned Lands;~~

~~3.3.10 Hard landscaping (including asphalt, concrete paving stones, retaining walls, structures, planters, etc.);~~

~~3.3.11 Light standards;~~

~~3.3.12 Permanent signs; and~~

~~3.3.13 Underground electrical/irrigation systems (excluding utilities authorized by the County).~~

3.1 "County" – means Smoky Lake County.

3.2 "Encroachment" – means any portion of a landscaping improvement, or structure which extends onto County lands which could be either a roadway or other Reserve Lands.

3.3 "Encroachment Agreement" – means an agreement, pursuant to the MGA under which a municipality permits the encroachment of landscaping improvements, and structures onto a roadway. This Agreement would be registered on the landowner's title as per the MGA.

3.4 "Encroachment License" – a license which allows the encroachment of landscaping improvements, and structures onto Reserve Lands. This License would not be registered on the landowner's title and does not

transfer to the next owner of the land.

3.5 "GIS" – means Geographic Information System used for gathering, managing, and analyzing data.

3.6 "Landowner" – means all owners(s) listed on the Certificate of Title as having an interest in the titled land.

3.7 "May" – means discretionary compliance or a choice in applying policy.

3.8 "MGA" – means the Municipal Government Act being the Revised Statutes of Alberta 2000 Chapter M-26, and amendments thereto.

3.9 "Real Property Report" - means a plan that illustrates the survey performed by an Alberta Land Surveyor or a professional land surveyor showing what is and what is not on a parcel of land at the time of the survey.

3.10 "Reserve Lands" – means any lands owned by the County that are designated as Municipal Reserve (MR), School Reserve (SR), Municipal and School Reserve (MSR), Environmental Reserve (ER), Community Service Reserve (CSR), Reserve lands (R), Conservation Reserve (CR) or other County owned land except a public utility lot.

3.11 "Roadway" - means a highway or Roadway that is subject to the direction, control, and management of the County.

3.12 "Shall" – means mandatory compliance.

3.3 **Encroachment Agreement:** An agreement between the applicant and the County authorizing an Encroachment(s). The Encroachment Agreement shall include, but not be limited to, the following:

3.4.1 The nature and location of the Encroachment(s);

3.4.2 The Owner's responsibilities to maintain the Encroachment(s);

3.4.3 Terms and conditions under which the Agreement may be terminated;

3.4.4 The County's right to have access to the land subject to the Encroachment(s);

3.4.5 Indemnification of the County, its agents and its licensees; and

3.4.6 Any other condition or provision that Council deems appropriate.

~~3.5 **Municipally Owned Lands:** Collectively or individually, all titled land owned by the County, including, but not limited to, all Municipal Reserves, School Reserves, Municipal and School Reserves, Community Services Reserves, Environmental Reserves and Public Utility Lots.~~

3.6 **Owner:** The person, persons or corporation or other entity registered under the *Land Titles Act*, R.S.A. 2000, as the owner of the fee simple estate in the land. In the context of municipal lands, "owner" shall mean the owner of the adjacent land which has an encroachment into the municipal lands.

~~3.7 **Reserve Parcel:** A parcel that is registered at the Alberta Land Titles Office as a Municipal~~

~~Reserve, School Reserve, Municipal and School Reserve, Community Services Reserve or Environmental Reserve, as defined by the *Municipal Government Act, R.S.A. 2000.*~~

- ~~3.8 **Road Allowance:** land shown as a road on a plan of survey that has been filed or registered at the Alberta Land Titles Office, whether it has been developed as a road or not, and includes a bridge forming part of a public road.~~

4. GUIDELINES SCOPE:

- ~~4.1 When an Encroachment(s) onto Municipally Owned Lands or a Road Allowance is identified, the County will send a Notice in writing that the Owner must enter into an Encroachment Agreement with the County to allow said Encroachment(s) to remain.~~
- ~~4.2 The Planning and Development Manager will review all applications for an Encroachment Agreement and provide a recommendation to Council.~~
- ~~4.3 Council will retain the right to refuse any request for an Encroachment Agreement and will also retain the right to force the Owner of the Encroachment(s) to remove said Encroachment(s) at the Owner's sole expense.~~

~~4.1 Encroachments are identified and brought to the attention of the County in a number of ways. Sometimes encroachment issues are identified by the County's assessors who conduct inspections of all properties at least once every five years. Other times these are identified through inspections by our Bylaw Enforcement Officer, complaints, by the Landowners themselves or the request for a compliance certificate.~~

~~4.2 An Encroachment, once identified, will only be allowed to remain by either the use of an Encroachment Agreement where the Encroachment is on a County Roadway, or an Encroachment License where the Encroachment is on Reserve Lands.~~

~~4.3 **The Landowner will be responsible for all costs associated with execution of an Encroachment Agreement or Encroachment License. A one-time minimum non-refundable administrative fee shall be charged to cover administration's costs to prepare and facilitate the agreement preparation. This one-time fee is included in the County's Fees Schedule Bylaw. Other costs associated with the approval may include Real Property Report (Landowner must supply), Land Titles registration, legal fees, and increased insurance costs. Initial costs will be estimated, and final costs will be verified with the Landowner and any differences rectified between the Landowner and the County.**~~

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5. RESPONSIBILITIES

5.1 Council

~~5.1.1 Review and consider adoption of the policy and any recommended amendments.~~

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~~5.1.2 Consider appeals of Landowners who are requesting either an Encroachment Agreement or Encroachment License that has been denied by the CAO.~~

5.2 Chief Administrative Officer

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5.2.1 Implement the policy.

5.2.2 Authorize Encroachment Agreements or Encroachment Licenses if they follow the guidelines set out by this policy.

5.2.3 Report to Council when a new Encroachment Agreement or Encroachment License has been authorized.

5.2.4 Report to Council when a request for an Encroachment Agreement or Encroachment License has been denied.

5.3 Planning Technician & GIS Technician

5.3.2 Determine requirements for development or other safety code permits.

5.5.7 Ensure that the Encroachment Agreement or Encroachment License is uploaded to the County's GIS system.

5.4 Bylaw Enforcement Officer

5.4.1 Identify potential eEncroachments issues from inspections and complaints.

5.4.2 Initiate correspondence with the Landowner regarding suspected eEncroachments issues.

5.4.3 Coordinate with the Landowner for inspection or survey of the land to confirm if an Encroachment exists from either inspection or complaint.

5.4.4 Where an Encroachment is identified, provide the Landowner with information regarding this policy and advise the Landowner of the requirement to remove the Encroachment within 30 days.

5.3.1 Review eEncroachment Agreement/License requests when received.

5.3.3 Circulate the request for an Encroachment Agreement or Encroachment License to the appropriate County departments for comment.

5.4.5 Follow-up regarding Encroachments that have been denied an Agreement/License, to ensure compliance.

5.3.4 Recommend to the CAO approval or denial of the eEncroachment Agreement/License application.

5.5.5 If the Encroachment will be allowed, work with Landowner to obtain a Real Property Report and arrange for payment for the Encroachment Agreement/License as well as signing of the Encroachment Agreement/License agreement by both parties.

5.5.6 Maintain a register of Encroachment Agreements and Encroachment Licenses.

5.5.8 Work with legal counsel to ensure the Encroachment Agreement and Encroachment License

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~~wording terms and conditions are is current and appropriate.~~

5.5 Public Works, Natural Gas, and other Departments

~~5.5.1 Review request for Encroachment Agreements or Encroachment Licenses to determine if the Encroachment will interfere with infrastructure, utilities, or roadways.~~

6.1 PROCEEDURES

~~6.1 An application form for an Encroachment Agreement must be submitted to the Planning and Development Manager before an Encroachment Agreement will be considered by Council. 1. Application forms are available at the Smoky Lake County office or at on the County's website at www.smokylakecounty.ab.ca ("Schedule "A" Application for Encroachment Agreement/License")~~

~~6.2 The applicant must provide, solely at the applicant's expense, a Real Property Report~~ed~~, dated within **three (3) months** of the application date, showing the exact nature and location of the Encroachment(s) and a current copy of the Certificate of Title.~~

~~6.3 The applicant must pay the County an application fee of **\$500.00** or the cost of legal fees, ~~_____~~ **whichever is greater**, as per Smoky Lake County ~~Policy Planning and Development Fees Bylaw, as amended. 64-11-04: Planning and Development Fees.~~~~

~~Upon submitting a completed application form and application fee, the Planning and Development Manager will review the request and provide a recommendation to Council at the next possible Council meeting.~~

~~The Planning and Development Manager will refer the application to other departments when necessary. County administration will evaluate the application, giving consideration to such factors as public safety, future development plans, environment/wildlife sensitivities, existing and future requirements of utilities, existing easements and any other factor deemed relevant to the Encroachment(s).~~

~~The Planning and Development Manager will present the evaluation of the application and a draft Encroachment Agreement ("Schedule "B" Encroachment Agreement") to Council for consideration.~~

~~6.4 Council Smoky Lake County reserves the right to amend the draft Agreement/License as it deems necessary, or refuse to allow the Encroachment.~~

~~6.5 If Council approves the Encroachment(s) are approved, the County and the Owner will jointly enter into an Encroachment Agreement/License, and both parties will be bound by the terms and conditions within said Encroachment Agreement/License. A copy of said Encroachment Agreement will be registered at the North Alberta Land Titles Office by caveat.~~

~~6.6 If the Encroachment Agreement/License is refused by Council, the Owner will be notified of the decision in writing, and a Notice will be issued to the Owner, requiring removal of said Encroachment(s) within the specified timeframe.~~

~~6.7 If an Encroachment Agreement/License is refused, by Council and a Notice has been sent to the Owner requiring said Encroachment(s) to be removed and said Encroachment(s) is(are) not removed within the timeframe specified in said Notice, the County shall be at liberty to remove said Encroachment(s) at the~~

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sole expense of the Owner.

6.8 Unless an Encroachment(s) is(are) explicitly permitted by means of an Encroachment Agreement/License, the County reserves, upon Notice being given to the Owner, the right to remove said Encroachment(s) from Municipally-Owned Lands or Road Allowances at the sole cost of the Owner.

6.9 If, after having been sent Notice of an Encroachment(s) by the County, and an application for an Encroachment Agreement has not been received from the Owner by the County within the timeframe specified by said Notice, the County reserves the right to remove said Encroachment(s) at the sole expense of the Owner.

6.10 An authorized and executed Encroachment Agreement/License does not release the Owner from the responsibility to comply with provincial or federal requirements, or other municipal bylaws and policies.

6.11 All expenses, costs, liabilities, and other risks associated with an Encroachment, including but not limited to costs of utility relocation/reconstruction and removal/relocation of public property, shall be borne solely by the Owner.

6.12 Unless explicitly provided for in the Encroachment Agreement/License, an Encroachment once authorized ~~by Council~~ may continue to exist, but said Encroachment shall not be added to, rebuilt, or structurally altered, except:

6.12.1 as may be necessary to remove the Encroachment; or

6.12.2 as may be necessary for the routine maintenance of the Encroachment.

6.13 If an authorized Encroachment is damaged or destroyed to the extent of more-than or equal-to 75% of the replacement value of said Encroachment, said Encroachment shall not be repaired, rebuilt, or reconstructed, and said Encroachment shall be removed by the Owner within **thirty (30) days** of Notice being given to the Owner by the County.

6.14 Notwithstanding any of the above, in the event that an Encroachment poses a clear and present danger to the public as determined solely by the County, Notice shall be given to the Owner, and the Owner shall remove said Encroachment immediately upon receipt of said Notice, solely at the expense of the Owner. Should the Owner for any reason be unable or unwilling to remove said Encroachment, the County will remove said Encroachment, and all costs incurred by the County pursuant to the removal of said Encroachment shall be borne by the Owner.

6.15 An Encroachment shall not interfere with the County's or other utility operator's need to access any easement or right-of-way.

~~Existing Encroachments authorized by Licenses of Occupation, Encroachment Agreements, Roadway Licensing Agreements, or any other existing agreement with the County authorizing said Encroachment shall be deemed to be an authorized Encroachment and be subject to the terms and conditions of the existing agreement.~~

7.1 Reserves:

7.1 Environmental

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7.1.1 While defined in the Definitions section, there is a need to not only identify the 'label' of reserve land (ER, MR, SR, MSR, CSR, R, etc.) but to distinguish why land is labeled as such. Land designated ER that have been taken and designated as such for specific legislative purposes and have specific legislative limitations differ from lands designated as MR, R, SR, MSR and CSR.

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7.1.2 MGA Sections 664(1)(a) & (b) describes, essentially, 'undevelopable land'. This is land upon which development is not wanted or desired, so not allowed through the ER designation.

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7.1.3 Section 664(1)(c) describes a buffer strip, which may or may not be developable.

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7.1.4 Further, Section 664(1.1) limits the taking of Environmental Reserve to:

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- i) preserving natural features
- ii) preventing pollution
- iii) ensuring public access, and
- iv) preventing significant risk of personal injury or property damage.

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7.1.5 Conservation Reserves (Section 644.2) provides for the protection of environmentally significant features but is not land that would be taken as ER. Land taken as Conservation Reserve requires compensation while land taken as ER does not.

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7.1.6 Section 671(1)(a) states that ER 'must be left in its natural state or be used as a public park' subject to Section 676(1).

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7.1.7 Section 676 outlines a procedure for using ER for other purposes for a limited time period. Municipal / Community

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7.1.8 Where land taken as ER is largely undevelopable, land taken as MR / CSR is developable land for municipal or school purposes (Section 671(2) and 671(2.1). By being 'developable', the premise is that the lands do not pose a risk of personal injury or property damage.

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7.2 Administrative Considerations

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7.2.1 Given the types of reserves, and the legislation surrounding them, Administration will perform an analysis of the site to determine if the encroachment on the land is hazardous under Section 664(1)(a) or (b) or (1.1) (d). The encroachment must be moved if:

- It is polluting a water body in some manner.
- It is disturbing a natural feature (nesting / spawning area or rare vegetation),
- It is moveable.

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7.3 Policy Guidelines:

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7.3.1 Unless an Encroachment has been authorized by the municipality, the Encroachment shall be removed from the affected municipal lands or roadway. The Landowner shall remove the Encroachment within 30 days of receiving notice to do so. All work conducted in removing an Encroachment shall be at the Landowner's expense and under the supervision of the County.

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7.3.2 If an Encroachment is authorized, the Landowner and CAO will execute an Encroachment Agreement or Encroachment License once all applicable fees are paid. If fees are not paid, then the Encroachment shall be removed from the affected municipal land or roadway within 30 days, in accordance with .

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7.3.3 Encroachments with a permit or other authorization from the County will be allowed to remain and minor maintenance (no structural modifications) will be allowed. If the Encroachment falls into disrepair the Owner shall remove the Encroachment and reclaim the area to a natural state, at the landowner's expense.

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7.3.4 If the Encroachment is damaged or destroyed, the Encroachment shall be removed within 30 days.

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7.3.5 Authorized Encroachments do not relieve a Landowner from the requirement to comply with all applicable federal, provincial, and municipal statutes, regulations, order, bylaws and policies. All costs, expenses, liabilities, or other risk associated with an authorized Encroachment shall be endured by the Landowner.

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7.3.6 In the event that an Encroachment poses a clear and present danger to the public as determined by the County, the Encroachment shall be removed immediately by the Landowner. Should the Landowner, for whatever reason, be unable or unwilling to remove the Encroachment, the County shall immediately remove it and all costs shall be invoiced to the Landowner. Failure to pay this invoice will result in the amount outstanding to be added the Landowner's tax roll.

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8. Considerations for approval of an Encroachment Agreement or Encroachment License:

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8.1 The Landowner will make a request by completing the Encroachment Agreement or Encroachment License Application Form.

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8.2 This request may require a Real Property Report.

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8.3 The request will be received by the Taxation and Assessment Technician.

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8.4 The encroachment will be considered under the following conditions if it does not pose a risk to County infrastructure or utilities:

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a. Special needs access (ramps, elevators, etc.)

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b. Entry Stairs

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c. Eaves

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d. Development Authority approved stairways for access on Reserve Lands.

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8.5 The Taxation and Assessment Technician will make a recommendation to either approve or deny the application for Encroachment Agreement or Encroachment License.

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8.6 If approved, the landowner will be required to submit a Real Property Report. The CAO will then enter into the appropriate agreement or license with the Landowner and report the approval to Council.

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8.7 If denied, the CAO will send a letter to the Landowner denying the request and providing notice that the Encroachment must be removed within 30 days. The CAO will also provide information regarding the process to appeal to County Council.

8.8 If the Landowner decides to move the encroaching structure onto their own property, a development permit and/or a safety codes permit may be required.

9. Appeals to County Council

9.1 If the CAO does not approve the application for an Encroachment Agreement or Encroachment License, the Landowner may submit in writing to County Council an appeal requesting a review of the CAO's decision, and

9.1.1 County Council will review all the information received by Administration.

9.1.2 Council's decision will be final.

9.1.3 If approved, the landowner will be required to submit a Real Property Report. The CAO will enter into the appropriate agreement or license with the Landowner.

9.1.4 If denied, the CAO will send a letter to the Landowner denying the request and providing notice that the Encroachment must be removed within 30 days.

9.1.5 If the Landowner decides to move the encroaching structure onto their own property, a development permit and/or a safety codes permit may be required.

10. Enforcement

10.1 If an application for either an Encroachment Agreement or Encroachment License is denied, the CAO will issue a notice to the Landowner for removal of the Encroachment and restoration of the encroached land within 30 days.

10.2 The Bylaw Enforcement Officer will inspect the property to ensure compliance

10.3 If the encroachment is not removed after 30 days, or other reasonable time agreed to by the County, the CAO may take whatever steps or legal remedies are available to the County to enforce the removal.

11. Long Term Encroachments

11.1 A long-term encroachment does not have grandfathered rights. Regardless of the length of time an Encroachment has been in existence, unless the County has formally authorized it, the Encroachment will have to be resolved using this policy.

PROCEDURES:

Date	Resolution Number
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Approved	June 16, 2016	# 762	-	Page # 12298
Amended	MONTH DAY, 2023			
Amended				
Amended				



Box 310
4612 McDougall Drive
Smoky Lake, AB, T0A 3C0
Phone: 656-3730 Fax: 656-3768

ENCROACHMENT AGREEMENT / LICENSE APPLICATION

Application Requirements:

1. Signed and Completed Encroachment Agreement / License Application Form
2. Application fee of \$500.00 ~~or the cost of legal fees, whichever is greater~~
3. 3 copies of a Real Property Report dated within 3 months of the application date
~~(faxed, emailed, spliced or altered copies will not be accepted)~~
4. A current copy of the Certificate of Title

Internal Use Only		
Our File Number: _____	Roll Number: _____	Date: _____
Registered Landowner Information		
Registered Owner: _____	Phone: _____	
Address: _____	Fax: _____	
City/Prov. _____	Postal Code: _____	Signature: _____
Right of Entry		
Pursuant to Section 542 of the Municipal Government Act, I hereby do ____ or do not ____ grant consent for a designated officer of Smoky Lake County to enter upon the land as described above, for a site inspection.		
Print Name: _____	Signature: _____	
Section A - Property Information		
Legal: Lot ____ Block ____ Plan _____ Part of ____ ¼ Sec ____ Twp ____ Rge ____ W4M		
Subdivision Name (if applicable) or Area of Development _____		
Rural Address/Street Address _____ Parcel Size _____		

Section B – Description of Encroachment

Please describe the nature of the Encroachment

Section C – Preferred Method of Communication

If we have any questions or require clarification regarding your application, how do you wish to be contacted:

phone mail fax e-mail

OFFICE USE ONLY

Type of Payment: DEBIT CASH CHEQUE

Fee
\$ _____

Receipt

Receipt
Date _____

Date
Received _____

*and deemed complete by Development Authority.

Authorization:

Approved Refused

Issuing Officer's Name _____

Issuing Officer's Signature _____

Date of Decision _____

Date Issued _____

Motion # _____

Comments _____

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The personal information provided is being collected under the authority of the Municipal Government Act and will be used for the purposes under that Act. Information that you provide may be made public, subject to the provisions of the Freedom of Information and Protection of Privacy Act. Any questions regarding the collection, use or disposal of this information should be directed to Smoky Lake County at 780-656-3730.

ENCROACHMENT AGREEMENT
BETWEEN TITLED PARCELS OF LAND

THIS AGREEMENT MADE EFFECTIVE this _____ day of _____, _____.

BETWEEN:

SMOKY LAKE COUNTY
Box 310, 4612 McDougall Drive, Smoky Lake, AB, T0A 3C0
a municipal corporation pursuant to the laws
of the Province of Alberta
(hereinafter called the "Grantor")

- and -

OWNER'S NAME
Owner's Address
(hereinafter called the "Owner")

WHEREAS:

- A. The Owner is the registered owners of the lands located in Smoky Lake County, in the Province of Alberta, municipally described as **(INSERT MUNICIPAL ADDRESS)**, and legally described as:

(INSERT LEGAL LAND DESCRIPTION)
(hereinafter referred to as the "Owner's Land")

- B. The Grantor is the registered owners of the lands located in Smoky Lake County, in the Province of Alberta, municipally described as **(INSERT MUNICIPAL ADDRESS)**, and legally described as:

(INSERT LEGAL LAND DESCRIPTION)
(hereinafter referred to as the "Grantor's Land")

- C. The Owners have constructed/placed a **(INSERT NATURE OF THE ENCROACHMENT)** (hereinafter referred to as the “Encroachment”) which encroaches upon the Grantor’s Land.
- D. The Grantor is prepared to authorize the Encroachment to exist upon the Grantor’s Land, subject to the terms and conditions contained within this Encroachment Agreement (hereinafter referred to as the “Agreement”).

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the payment of **(INSERT PAYMENT AMOUNT)** paid by the Owners to the Grantor, the receipt of which is hereby acknowledged, and in consideration of the mutual covenants and agreements contained herein, the Grantor and Owners hereby agree as follows:

GRANT OF ENCROACHMENT

1. The Grantor hereby permits the Encroachment to exist upon the Grantor’s Land in the manner and location as shown on the Real Property Report **(INSERT FILE #)** prepared by **(INSERT NAME OF SURVEYOR)**, dated **(INSERT DATE OF SURVEY)**, attached hereto as Schedule “A” to this Agreement, subject to the terms, covenants and conditions contained within this Agreement. The Owners shall pay any and all costs associated with obtaining the Real Property Report. *[NOTE: It is essential that the Encroachment is accurately depicted and located].*

TERM AND TERMINATION

2. The terms of this Agreement shall be for the lifetime of the Encroachment, subject to the earlier termination of this Agreement due to breach of contract or as provided for within this Agreement.
3. In the event that the Grantor deems it necessary for the Encroachment to be partially or completely removed from the Grantor’s Lands for a temporary period of time, the Owner shall remove it within **ninety (90) days** at the Owner’s sole expense.
4. In the event that the Encroachment must be immediately removed, in whole or in part, due to an emergency situation (as defined by the Grantor at its sole discretion), the Grantor shall remove the Encroachment at the Grantor’s sole expense. The Owner shall be permitted to replace the Encroachment at the Owners’ sole expense, upon receiving written confirmation from the Grantor that the emergency situation has been resolved.
5. In the event that the Encroachment at any time after the date that this Agreement takes effect, is destroyed or by any other means removed from the Grantor’s Land in circumstances other than contemplated in **Section 3** or **Section 4** of this Agreement:
 - 5.1 this Agreement shall automatically terminate, save and except for those terms which survive termination, and all rights and privileges granted to the Owner pursuant to the terms of this Agreement shall immediately expire; and

5.2 the Encroachment, or any structure constructed as a replacement for the Encroachment, shall not be replaced or rebuilt on the Grantor's Lands.

6. In the event that the Encroachment is only partially destroyed, the rights and privileges granted to the Owner pursuant to the terms of this Agreement shall expire with respect to the partially destroyed portion of the encroachment, PROVIDED ALWAYS that it is reasonable for the Owner to rebuild the partially destroyed portion of the Encroachment having regard to the nature of the structure, and the extent and the nature of the damage.
7. Notwithstanding anything contained within this Agreement, this Agreement and the rights and privileges granted to the Owner may be unilaterally terminated by the Grantor providing **thirty (30) days** written notice of such termination to the Owner.

REMOVAL AND RECLAMATION

8. Upon the termination of the rights and privileges granted to the Owner pursuant to the terms of this Agreement, the Owner shall:
 - 8.1 remove the Encroachment from the Grantor's Land; and
 - 8.2 attend to the repair and reclamation of the Grantor's Land to the reasonable satisfaction of the Grantor.
9. If, upon termination of this Agreement, the Owner has failed to perform its obligations under **Section 3** and **Section 8** of this Agreement, the Grantor is hereby authorized to enter onto the Owner's Land if necessary and perform such obligations, at the sole expense of the Owner.

MAINTENANCE EASEMENT

10. In conjunction with the Grantor's grant of the right of encroachment as contained within this Agreement, the Grantor hereby grants to the Owner, the right, license, privilege and easement across, over, under and upon the Grantor's Land as is reasonably required in order to allow the Owner to inspect the condition of the Encroachment, and to attend to routine maintenance and repairs of the Encroachment, as may be necessary.
11. The Owner's right to enter upon the Grantor's Land for the purposes permitted pursuant to **Section 10** of this Agreement is subject to the reasonable restrictions and limitations imposed from time to time by the Grantor in order to minimize disruption of the Grantor's use and enjoyment of the Grantor's Land, and minimize damage to the Grantor's Land and any improvements or chattels located thereon. Such restrictions may include, without restriction, limitation as to the time of day any entry upon the Grantor's Land by the Owner, and the equipment, if any, permitted to be placed upon the Grantor's Land for the purpose of assisting the inspection, maintenance or repair of the Encroachment.
12. The Owner shall maintain and repair the Encroachment in a good and workmanlike manner, having regard to the nature of the Encroachment any structure incorporating the

Encroachment, the nature and condition of the Grantor's Land, and the nature and extent of the Encroachment upon the Grantor's Land.

13. The Owner shall be responsible for the repair and restoration of the Grantor's Land after each and every entry upon the Grantor's Land pursuant to the rights of easement granted within **Section 10** of this Agreement. Without restricting the generality of the foregoing, the Owner shall be responsible for the repair and restoration of any fences or other structures or chattels damaged by the Owner, its agents or its contractors as a result of the exercise of purported exercise of any of the rights granted within this Agreement.
14. The Owner's signature to this document shall serve as acknowledgement of the Grantor's infrastructure which lies beneath the surface of the Encroachment, and the Owner shall be responsible for the cost of repair of any and all damages resulting from the presence, use, repair or maintenance of the Encroachment, to this infrastructure, to the Grantor's satisfaction.

LIABILITY

15. The Owner shall indemnify and hold harmless the Grantor, its employees, agents, franchisees and licensees from and against any and all claims, damages, costs (including, without restriction, all legal and other professional costs on a solicitor and his own client fill indemnity basis), losses, expenses, actions and suits of every kind and nature caused by, or arising directly or indirectly out of the existence of the Encroachment, the exercise or purported exercise of any of the rights granted within this Agreement, or by reason of any matter or anything done, permitted or omitted to be done by the Owner or their heirs, executors, administrators and assigns, and whether occasioned by negligence or otherwise.
16. The Owner hereby assumes, and shall remain responsible for, all risk of personal injury and damage to all real or personal property, including the Owner's property comprising the Encroachment upon the Servient Tenement, regardless of how such injury or damage is caused.
17. The Owner's obligations under **Section 15** and **Section 16** of this Agreement shall survive the termination of this Agreement for any reason whatsoever, and shall remain binding upon the Owner until all such obligations are satisfied in full.
18. Throughout the existence of this Agreement, the Owner shall take out and maintain insurance in such form and in such amounts as may be satisfactory to the Grantor, acting reasonably, and upon request provide the Grantor with written confirmation of the existence of such insurance (including but not limited to providing copies of the insurance policies). Without limiting the generality of the foregoing, the insurance shall have at least the following coverage, and contain the following terms:

- 18.1 comprehensive general liability insurance covering all risks associated with the use and occupation of the Encroachment by the Owner including, without limitation, extended coverage, coverage for public liability, and such other coverage and in such amounts as the Grantor may reasonably require;
- 18.2 such policies shall name the Grantor as an additional loss payable with respect to the Encroachment and the portion of the Grantor's Land occupied by the Encroachment; and
- 18.3 such policies of insurance shall contain an undertaking by the insurers to notify the Grantor in writing of any material change, cancellation or termination of any provision of any policy not less than thirty (30) days prior to the material change, cancellation or termination thereof.

ENVIRONMENTAL

19. The Owner hereby represents, covenant sand warrants to and in favour of the Grantor that the Owner:
- 19.1 shall not allow any Hazardous Substances to be placed, held, located or disposed of on, under or at the Grantor's Land without the prior consent of the Grantor, which consent may be arbitrarily or unreasonably withheld;
- 19.2 shall not allow the Grantor's Land to be utilized in any manner in contravention of any applicable laws intended to protect the environment, including without limitation, laws respecting the handling, disposal and emission of Hazardous Substances;
- 19.3 to the extent that Hazardous Substances are, with the Grantor's consent, placed, held, located or disposed of on, under or at the Grantor's Land in accordance with the terms hereof, the Owner shall:
- 19.3.1 comply with, or cause to be complied with, all applicable laws and regulations relating to the use, storage and disposal of the Hazardous Substances, as well as all terms or conditions required by the Grantor; and
- 19.3.2 at the request of the Grantor, provide evidence to the Grantor of compliance with all applicable laws and regulations, such evidence to include inspection reports and such tests as the Grantor may reasonably require, all at the Owner's expense.

20. The Owner shall indemnify and save harmless the Grantor and its successors and assigns from and against any and all losses, liabilities, damages, costs and expenses of any kind whatsoever including, without limitation:
- 20.1 the costs of defending, counter-claiming or claiming over against third parties in respect of any action or matter including fees, cost and disbursements on a solicitor and his own client full indemnity basis and at all court levels;
 - 20.2 any cost, liability or damage arising out of a settlement of any action entered into by the Grantor with or without the consent of the Owner; and
 - 20.3 the costs of repair, clean-up or restoration paid by the Grantor and any fines or levies against the Grantor or owner,
- which at any time or from time to time may be paid, incurred or asserted against the Grantor as a direct or indirect result of the presence on or under, or the escape, seepage, leakage, spillage, discharge, emission or release of Hazardous Substances from the Grantor's Land either onto any lands (including the Owner's Land), into the atmosphere or into any water. This indemnification shall survive the expiration of the term of this Agreement, the termination of this Agreement for whatever cause, and any renewal of this Agreement.
21. That for purposes of this Agreement, the term "Hazardous Substances" shall mean any substance which is hazardous to persons or property and includes, without limiting the generality of the foregoing:
- 21.1 any form of radioactive materials;
 - 21.2 explosives;
 - 21.3 any substance that, if added to any water, would degrade or alter or form part of a process of degradation or alteration of the quality of that water to the extent that it is detrimental to its use by man or by any animal, fish or plant;
 - 21.4 any solid, liquid, gas or odour or combination of any of them that if emitted into the air, would create or contribute to the creation of a condition of the air that:
 - 21.4.1 endangers the health, safety, or welfare of any persons or the health of animal life;
 - 21.4.2 interferes with normal enjoyment of life or property; or
 - 21.4.3 causes damage to plant life or property; and

21.5 substances declared to be hazardous or toxic under any law or regulation now or hereafter enacted or promulgated by any governmental authority having jurisdiction over the Grantor's Land.

22. The Owner shall:

22.1 notify the Grantor, in writing, of any sale of the Owner's Land; and

22.2 notify any purchaser of the Owner's Land of the terms of this Agreement.

GENERAL

23. This Agreement, and each of the terms, covenants and conditions contained herein, shall be of the same force and effect for all intents and purposes as a covenant running with the Grantor's Land and the Owner's Land, respectively, and subject to the terms of this Agreement shall be binding upon, and ensure the benefit of, all future owners of the Grantor's Land and the Owner's Land throughout the existence of this Agreement.

24. Subject to acceptance by the Alberta Land Titles Office, the parties shall be at liberty to register by way of Caveat or otherwise against the title to the lands affected in order to protect the parties' respective interests under the terms of this Agreement. Any such Caveat or other registration shall expire and shall forthwith be discharged by the parties upon the termination of this Agreement.

25. All notices to be given in relation to the Agreement, as well as all requests for prior written consent required under this Agreement, may be hand delivered or sent by prepaid courier or registered mail addressed to the parties as follows:

25.1 to the Owner at: **(INSERT OWNER'S ADDRESS)**

25.2 to the Grantor at: **SMOKY LAKE COUNTY**
Box 310
Smoky Lake, AB, T0A 3C0

or at such other address, in either case, as the Owner or the Grantor respectively may from time to time appoint in writing. Any notice sent in accordance with this paragraph shall be deemed to be given to and received by the addressee seven (7) days after the mailing thereof, postage prepaid, save and except for during periods of postal interruption and seven (7) days thereafter, in which case all notices required herein shall be sent by pre-paid courier or hand delivered and shall be deemed to have been given upon delivery.

26. The terms contained within this Agreement, including any recital and any Schedules attached hereto, shall constitute the entire Agreement between the parties. Words within this Agreement importing number or gender shall be construed in grammatical

conformance with the context or the party or parties in reference. Any term or provision of this Agreement which is found to be invalid or unenforceable shall be severed from the balance of the document, and shall not affect the enforceability of the remainder of this Agreement.

IN WITNESS WHEREOF the parties have executed this Agreement to be effective the year and date first above written.
SMOKY LAKE COUNTY

Per: _____
~~Ron Bobocel~~ _____, Reeve
- SEAL -

Per: _____
Cory Ollikka _____, Chief

Administrative Officer

SIGNED, SEALED AND DELIVERED)
in the presence of) _____
) (INSERT OWNER NAME)
)
Witness _____)

SCHEDULE "A"
The Encroachment

(INSERT REAL PROPERTY REPORT SHOWING ENCROACHMENT)



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.g

Topic: Rescission of Smoky Lake County Policy Statement No. 07-03: Recreational Trail Road License Agreement

Presented By: Planning & Development Services

Recommendation:

1) That Smoky Lake County Council rescind Smoky Lake County Policy Statement No. 07-03: Recreational Trail Road License Agreement.

Background:

At the March 29, 2023, Smoky Lake County Policy Committee meeting, a recommending motion was made to rescind Policy Statement No. 07-03 due to it being redundant with Smoky Lake County Policy Statement No. 03-44: *Road License Agreement*. It is not necessary to have a separate policy for the leasing of municipally-controlled roadways specifically for recreational trail use. Having multiple Policies confuses the public and is a challenge for the administration to manage.

Benefits: Reduction of administrative red tape/streamlining of County administrative processes. Increased clarity to ratepayers/user groups who wish to lease municipally-controlled roadways.

Disadvantages: None.

Alternatives: Keep Policy Statement No. 07-03 in affect.

Financial Implications: None.

Legislation: Municipal Government Act.

Intergovernmental: Nil.

Strategic Alignment: Proactivity in Development

Enclosure(s):

1. Policy Statement No. 07-03: Recreational Trail Road License Agreement.

Signature of the CAO: _____

A handwritten signature in blue ink, consisting of a large initial 'J' followed by several loops and a long horizontal stroke.



Title: Recreational Trail Roadway License Agreement	Policy No.: 03-01
Section: 07	Page No.: 1 of 10

Legislation Reference:	Alberta Provincial Statutes
-------------------------------	-----------------------------

Purpose:	To provide a procedure for granting a License or Permit for the temporary occupation or use of a portion of a Road Allowance for Recreational Trail purposes.
-----------------	---

Policy Statement and Guidelines:	
<p>1. STATEMENT:</p> <p>1.1 The County Council did by Bylaw establish the procedure to grant Licenses for the temporary occupation or use of Road Allowance(s) when they are not required for public use.</p> <p>1.2 The <i>Highway Traffic Act</i>, Revised Statutes of Alberta, 1980, Chapter H-7 Section 16(1)(q) provides that a Council may make Bylaws granting a license for the temporary occupation or use of a highway when it is not required for public use, if the license is terminable on thirty (30) days notice in writing.</p> <p>2. OBJECTIVES:</p> <p>2.1 Smoky Lake County recognizes the importance that trails provide opportunities for outdoor activities that contribute to and encourage healthy and active lifestyles.</p> <p>2.2 Best practices approach developed to retain a mutually supportive relationship between trail users and landowners.</p> <p>2.3 Provides a trail network link of transportation to access connecting corridors, i.e. <i>Iron Horse Trail</i>.</p> <p>3. PROCEDURE:</p> <p>3.1 <u>Grant of License</u></p> <p>Smoky Lake County is hereby authorizes to grant licenses in the form attached as <i>“Schedule B: Recreational Trail Roadway License Agreement”</i> for the temporary occupation or use of road allowances, public highways, or a portion of a road allowance or highway when they are not required for public use, providing the license is terminable on thirty (30) days notice in writing.</p>	

Title: Recreational Trail Roadway License Agreement	Policy No.: 03-01
Section: 07	Page No.: 2 of 10

Policy Statement and Guidelines:	
3. PROCEDURE <i>Cont.</i>:	
3.2	<p><u>Application Permission</u></p> <p>Recreational Organizations/Clubs must complete and submit an application in the form attached as <i>“Schedule A: Application for Recreational Trail Roadway License Agreement”</i> indicated that the signatures of adjacent landowners to the proposed recreational trail development have been sought and that those adjacent landowners have been approached in the regards specified.</p>
3.3	<p>The Application for “Recreational Trail Roadway License Agreement” shall be taken to Council and Council shall decided on any further conditions, consultations or procedures necessary before approving the Application and executing the Recreational Trail Roadway License Agreement.</p>
3.4	<p>Final approval shall be made by Smoky Lake County Council by executing the Recreational Roadway License Agreement, upon obtaining any approvals and permits necessary from the affected landowners (<i>if the proposed trail goes through private lands</i>), the Province of Alberta and the Government of Canada (<i>in the case of unoccupied crown lands</i>) for the construction and development of the trail and a copy of such approvals and permits shall have been delivered to Smoky Lake County.</p>
3.5	<p>Approved Applicants shall adhere accordingly to <i>Policy 07-01: Designated Recreational Trails</i>. Any inspections or other relevant activity that shall be undertaken under Policy 07-01 shall be undertaken by the Approved Applicant as per the Recreational Trail Roadway License Agreement.</p>

	Date	Resolution Number
Approved	January 21, 2010	# 269-10 - Page # 9224
Amended		
Amended		



Schedule "A" Application for Recreational Trail Roadway License Agreement

1. License Applicant

Name: _____

Address: _____

Postal Code: _____ Phone: _____

2. Description of roadway requested to be under license.

Four horizontal lines for describing the roadway.

Please attach a map to accompany this application.

3. Purposes(s) for this application:

a. _____

b. _____

4. Signatures from adjacent landowner(s) agreeing to your application.

Table with 4 columns: Print Name, Legal Description, Signature, Date. It contains four rows for adjacent landowners.

License Applicant Signature

Date



Recreational Trail Roadway License Agreement

THIS AGREEMENT made this _____ day of _____, A.D. 20__.

BETWEEN:

SMOKY LAKE COUNTY
a Municipal Corporation in the Province of Alberta
(hereinafter referred to as "the County")

OF THE FIRST PART

AND

Recreational Organization/Club
A Society incorporated under the laws of
the Province of Alberta,
of _____
(hereinafter referred to as "the Club")

OF THE SECOND PART

WHEREAS the Council of the County has the control and management of roadways within the municipal boundaries of the County;

AND WHEREAS the undeveloped road allowances located on:

is a roadway located within the municipal boundaries of the County and is subject to the management and control of the County as described above (hereinafter referred to as "the Trail") for a trail to be used by recreational traffic;

AND WHEREAS the Club desires to use a portion of the roadway under the terms and conditions contained herein; to develop and use as a _____ **trail** on an undeveloped road allowance with the boundaries of Smoky Lake County.

AND WHEREAS that portion of the roadway is not currently required for public use and the County is prepared to grant the Club a license for the temporary occupation or use of that portion of the roadway, subject to the terms and conditions contained herein;

AND WHEREAS the County has granted approval to the Club for the use and development of the said road allowance as the trail to be used by recreational traffic on the terms and subject to the conditions hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises, covenants, conditions and terms contained herein, the parties hereto agree as follows:

1. Prior to the commencement of the construction and development of the Trail, the Club shall supply the County with such plans and specifications as the County may require, showing the construction and development of the Trail. The plans and specifications shall comply with the design standards established by the County for the Trail, which standards will include landscaping, brush clearing, erosion controls, planting of vegetation, buffers, trail markers, traffic control devices and signage as described on **Exhibit "1"** attached.
2. The Club shall not proceed with the construction and development of the Trail until the County has approved the plans and specifications in writing and until such time as the Club shall have obtained any approvals and permits necessary from the affected landowners, the Province of Alberta and the Government of Canada (*in the cases where a proposed Trail goes through private or unoccupied crown land*) for the construction and development of the Trail and a copy of such approvals and permits shall have been delivered to Smoky Lake County.
3. The Club shall ensure that the construction and development of the Trail is carried out in accordance with the plans and specifications approved by the County and that the development does not result in any erosion or degradation of the natural environment other than to the extent necessary to comply with the plans and specifications approved by Smoky Lake County.

If the trail is to be developed on or through private land, then the Club shall also obtain written consent for the landowner(s) for the development of the trail.

4. In consideration of the rights herein conferred upon the Club, the Club shall pay to the County the following amounts at the following times, namely:

\$ _____

5. The Club acknowledges and agrees that its rights to enter upon and use the trail area shall not confer upon the Club any exclusive right whatsoever in respect to the use or occupation of the trail area, and that the Club shall have no claim to the trail area other than as herein provided.

NOTE: The Club shall provide legal access to the Public and Crown to the lands and lake abutting the "trail area"; where such land or lakes abut the "trail area".

6. The County shall have the full right to occupy and use the trail area in any manner whatsoever deemed appropriate by the County; provided that the County shall not unreasonably interfere with the rights herein conferred upon the Club.
7. The Club shall, at all times, ensure that the trail is kept and maintained in a neat and tidy condition and that no refuse or garbage is left on the trail or on the land adjacent to the trail.
8. The Club shall, at all times, maintain and carry insurance coverage for public liability and property damage with insurable limits in an amount not less than _____ million for each occurrence or incident, which shall name the County as an insured party and the Club shall provide proof of such insurance to the satisfaction of the County upon demand.
9. The Club shall keep a record of all complaints by third parties regarding the use of the trail by the Club, such record to include, for each complaint, the location, nature and response by the Club to the complaint. All such records shall be forwarded to the County by the Club on or before June 1st of each calendar year or earlier if requested by the County.
10. The Club shall notify the County of any accidents occurring on the trail and supply the County with such particulars of such accidents as the County may require.
11. The Club acknowledges and agrees that the license and approval granted to the Club for the use and development of the trail is not an exclusive license and the Club shall not place any markers or signs on the trail that restrict the use of the trail to Club members.
12. The Club acknowledges that the County may deem it necessary or appropriate, from time to time, to cause or allow third parties to construct or install permanent underground or above ground utility lines, pipelines facilities and transmission lines which will cross the trail area; or to perform such other work upon the trail area as may be deemed necessary at the sole discretion of the County, and the Club acknowledges and agrees that the Club shall in no way interfere or hinder the construction, installation, repair or maintenance undertaken by the County or any person to whom the County has granted such permission.

13. The Club shall not be responsible for any loss or damage to property or to the natural environment which occurs outside of the snowmobile season and the Club shall be responsible for any loss or damage to property or the environment which loss or damage is caused by a member of the Club during the snowmobile season.
14. The Club shall at all times hereafter indemnify and hold harmless Smoky Lake County against all actions, claims, demands, suits or proceedings whatsoever that may be lawfully brought or made against the County by reason of anything done by the Club, its agents, employees, invitees or contractors, whether or not such things are done in the exercise or purported exercise of the rights herein conferred upon the Club and whether occasioned by negligence or otherwise which arise as a result of the use and development by the Club of the Trail.
15. The Club acknowledges and agrees that all property of the Club which may hereafter be located on, under, over or adjacent to the trail area shall be at the sole risk of the Club and that the County shall not be liable for any loss or damage thereto howsoever occurring and the Club hereby releases the County from all actions, claims, demands, suits or proceedings whatsoever in respect of any such loss or damage, except and to the extent of which such loss or damage is caused by the neglect or fault of the County or its servants or agents.
16. Notwithstanding anything to the contrary contained herein, it is understood between the County and the Club that the County shall have the absolute right and privilege to terminate this **Recreational Roadway License Agreement** herein granted (together with all rights contained herein or ancillary thereto) upon the County providing to the Club **Thirty (30) days** written notice of such termination.
17. In the event of the termination of this Agreement by the County, pursuant to paragraph 16 of this Agreement, the Club shall cease maintenance and repairs to the trail allowing the trail to return to a natural state, and all signs, posts and indicators shall be removed.
18. The Club acknowledges and agrees that the total rights secured by the Club are only such rights as are specified herein and that the County has made no representations, warranties, promises or agreements, either express or implied, beyond those contained herein.
19. The Licensee agrees that it shall not erect any buildings, improvements or structures on the trail area, without the express written consent of the County. If the Club is permitted to erect any buildings, improvements or structures, the same are to be constructed in a workman-like manner so as to minimize damage to the trail area, and the Club shall, after any such work, restore the trail area to a level and condition equivalent to that which existed prior to the commencement of any such construction.

- 20. The Club agrees that it will at all times and in all respects abide by all laws, bylaw, legislative and regulatory requirements of any governmental or other competent authority relating to the use and occupation of the Licensed Area.

- 21. Any notices or other communications required or permitted under this Agreement to be given by one party hereto to the other shall be in writing and shall either be delivered personally or mailed by prepaid registered mail to the other party at the address shown below. Notice given in any such manner shall be deemed to have been received by the party on the day of delivery or upon the seventh (7th) day after the day of mailing, provided that normal postal service is in existence at the time. Notice shall be given:

TO THE COUNTY AT : SMOKY LAKE COUNTY
 Box 310 Smoky Lake, Alberta T0A 3C0

or delivered to: SMOKY LAKE COUNTY
 4612 McDougall Drive, Smoky Lake

TO THE CLUB AT: _____

or delivered to: _____

Any party may change its address for service from time to time upon notice to the effect. In the event of disruption of normal postage service, any party giving notice hereunder shall be required to deliver the same.

- 22. This Agreement shall enure to the benefit of and be binding upon the Parties hereto and their respective heirs, executors, successors and permitted, as the case may be, assigns.

- 23. Each of the Parties shall, upon the reasonable request of the other Parties, make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, things, documents and assurances of whatsoever nature and kind for the better or more perfect or absolute performance of the terms and conditions of this Agreement.

IN WITNESS WHEREOF the parties hereto have signed their names and affixed their seals by the hands of their property officers, duly authorized on that behalf; and hereby have executed this Agreement as of the day first above written.

SMOKY LAKE COUNTY

Per: _____
Reeve

Per: _____
Chief Administrative Officer

WITNESS

CLUB: _____

Per: _____
President

Per: _____
Vice-President

EXHIBIT "1"

For the portion of:

Legal Description: _____

Specifications and standards:

-
-
-
-
-

For the portion of:

Legal Description: _____

Specifications and standards:

-
-
-
-
-

For the portion of:

Legal Description: _____

Specifications and standards:

-
-



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.h

Topic: Day of Mourning April 28th

Presented By: CAO

Recommendation:

That Smoky Lake County declare April 28, 2023 as a “Day of Mourning” remembering all workers who have been killed, injured or disabled at their place of work and honouring the 161 men and women who were killed “reflecting on the memories we shared” in Year-2022; and commemorate the day by lowering the flags as per Policy Statement No. 01-35: Flags: Half Mast, and promote the “Day of Mourning” in the County Grapevine, social media and internal bulletin boards for awareness.

Background:

Every year on April 28th we pay our respects to, and remember, the workers who have been killed, injured or suffered illness as a result of work-related incidents. Sadly, Alberta lost 161 people to workplace injury or illness in 2022. On April 28th, we remember. Take a moment to honour lives forever changed. For more information visit:

<https://www.wcb.ab.ca/about-wcb/community-partnerships/day-of-mourning/>

Benefits:

Honours the 161 lives lost to workplace injury in 2022.

Disadvantages:

N/A

Alternatives:

Any alternative to the recommendation is at the discretion of Council.

Financial Implications:

N/A

Legislation:

Policy Statement No. 01-35: Flags Protocol

Intergovernmental:

N/A

Strategic Alignment:

Emergency Services

Enclosure(s):

1. Letter from Vilna/Bellis Citizens on Patrol, dated February 24, 2023

Signature of the CAO:

A handwritten signature in blue ink, consisting of stylized initials, written over a horizontal line.



Request for Decision (RFD)

Enclosure #1

Reflecting on the *memories* *we shared*

In 2022, we lost 161 people to workplace injury or illness in Alberta.

On **April 28**, we take a moment to **remember them.**



Day of Mourning
April 28

We can make a difference by working together to make workplaces safer.



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.i

Topic: Policy Statement No. 15-01-02: Discipline Policy

Presented By: CAO

Recommendation:

That Smoky Lake County amend Policy Statement No. 15-01-02: Discipline Policy.

Background:

This policy is being brought forward as the old Discipline Policy was outdated and needed updating on the current legislation. Consultation with the County's Solicitor suggested changes under the "Discipline and Dismissal" section, as well as an updated letter of warning using the Alberta Employment Standards template. Revisions were made throughout the policy to properly reflect the process of how the County would have to take any disciplinary action.

The Policy was deferred to the March 29, 2023 Policy Committee meeting where the recommending motion was to forward to the next Council meeting with amendments.

Benefits:

Ensures for proper documentation for conduct discipline, ensures fairness and consistency among all employees and a paper trail to enforce action.

Disadvantages:

There are no disadvantages to the recommendation.

Alternatives:

Any alternative to the recommendation is at the discretion of Council.

Financial Implications:

There are no financial or budget implications to this recommendation.

Legislation:

Municipal Government Act (MGA) & Alberta Employment Standards Code.

Intergovernmental:

There are no intergovernmental involvement and/or implications related to or affecting the recommendation.

Strategic Alignment:

N/A

Enclosure(s):

1. *Revised Policy Statement No. 15-01-02: Discipline Policy.*



Request for Decision (RFD)

Signature of the CAO:

A handwritten signature in blue ink, consisting of a large initial 'J' followed by several loops and a final flourish, written over a horizontal line.



Title: Discipline Policy	Policy No.: 01-02
Section: 15	Code: P-S
Page No.: 1 of 5 E	

Legislation Reference:	Municipal Government Act, Section 201(1), as amended from time to time.
-------------------------------	---

Purpose:	To promote and ensure appropriate conduct among employees that is fair and consistent of all employees.
-----------------	---

Policy Statement and Guidelines:

1. OBJECTIVES

- 1.1 Provide for the fair and consistent treatment of employees throughout the municipality.
- 1.2 Ensure that all employees of the municipality are aware as to the proper conduct and behavior of municipal employees.
- 1.3 Ensure that all employees of the municipality are aware of their duties and responsibilities and the consequences of disregarding those obligations, policies and workplace standards.
- 1.4 Ensure that employee misconduct is dealt with in a fair and appropriate manner within a responsible timeframe.
- 1.5 Disciplinary actions must be congruent to the Alberta Employment Standards, current Collective Agreements between Labour Unions and Smoky Lake County, County Bylaws and County Policies.

2. RESPONSIBILITIES

Chief Administrative Officer, in Their Sole and Unfettered Discretion:

- 2.1 Recommend changes to the Discipline Policy where considered appropriate.
- 2.2 Take appropriate corrective action when deemed necessary.
- 2.3 Advise managers in the application and monitoring of the Discipline Policy.
- 2.4 Ensure that complaints against employees are investigated in a fair manner.
- 2.5 Review case with the Union, where applicable.
- 2.6 Ensure that a copy of all correspondence between the employer and employee is provided to the employee and maintained in the employee file.

Managers:

- 2.7 Ensure that all employees are aware of the municipality's Discipline Policy.
- 2.8 Be responsible to the Chief Administrative Officer for necessary corrective action in their respective departments.

Title: Discipline Policy		Policy No.: 01-02
Section: 15	Code: P-S	Page No.: 2 of 5 E

Policy Statement and Guidelines:

- 2.9 Be aware of the Rights for all employees, referencing Alberta Employment Standards and current Collective Agreements between Labour Unions and Smoky Lake County, County Bylaws and County Policies.

3. PROCEDURE

- 3.1 The Manager and Chief Administrative Officer will make a determination as to the severity, intent and frequency of the offence. Other factors including, but not limited to, length of employment, employee's record and position will be taken into account.

Action by Chief Administrative Officer and Manager, in Their Sole and Unfettered Discretion:

- 3.2 Review the facts of the matter and may participate in an investigation, which may include an interview with the employee.
- 3.3 Document and discuss disciplinary action with the manager and employee within a reasonable timeframe.
- 3.4 In the event that the manager undertakes disciplinary action, the manager will communicate the decision or recommendation to the Chief Administrative Officer as soon as possible.
- 3.5 In the event that a letter of warning is created, the manager will inform the employee that a copy of the letter shall be entered into the employee's personnel file, along with any notes or other investigation documents and all such documents shall be given to the employee.

4. DISCIPLINE AND DISMISSAL

- 4.1 Unsatisfactory conduct and/or performance by an employee may be grounds for discipline including immediate dismissal for just cause.

4.2 **Written Warning:**

Should an incident arise that is considered serious enough to warrant immediate delivery of a written letter or should previous behaviors and/or offences reoccur, after verbal discussions with the manager, the manager shall meet with the employee and present a letter of written warning in the form based on the Alberta Employment Standards template, or latest revision thereof, shown in **Schedule "A"**.

The employee shall be advised that should the offence reoccur, the employee could be subject to further disciplinary action up to and including dismissal. A copy of the letter shall be forwarded to the Chief Administrative Officer for inclusion on the employee's personnel file.

Title: Discipline Policy		Policy No.: 01-02	
Section: 15	Code: P-S	Page No.: 3 of 5	E

Policy Statement and Guidelines:

- 4.3 Ensure that discipline covers the following five elements in:
 - 4.3.1 Description of the unsatisfactory performance or conduct.
 - 4.3.2 Statement of what the employee must (or must not) do to correct the performance or misconduct.
 - 4.3.3 Description of the action that may be taken if the problem is not corrected.
 - 4.3.4 Information about appeal rights
 - 4.3.5 A list of attached documents that were considered in the decision to issue that Letter of Warning (*i.e., performance evaluations, rules or policies, memos*).

- 4.4 **Termination With Just Cause:**
 - 4.4.1 If the legal threshold for “just cause” has been satisfied for the immediate termination of an employee, the County can terminate that employee without providing them with any advance written working notice of their termination or payment in lieu thereof.
 - 4.4.2 Generally speaking and without limiting the foregoing, a termination for just cause may be warranted in response to a single sufficiently serious incident of misconduct (for example, theft or impairment while operating County vehicles or machinery), or alternatively, for less serious incidents of misconduct or poor performance, where an employee has received a series of progressive written disciplinary warnings with respect to inappropriate conduct.

- 4.5 **Termination Without Just Cause, Non-Unionized Employees:**
 - 4.5.1 The County has the longstanding legal right to terminate any of its non-unionized employees “without just cause” at any time and for any reason whatsoever, subject to specific legislative or contractual provisions to the contrary. However, in connection with terminating a non-unionized employee’s employment without just cause, the County is required to give the employee either adequate advance written working notice of their termination, or payment in lieu of such notice.

- 4.6 **Conversion of Life Insurance Policy or Other Benefits:**
 - 4.6.1 In the event of a decision to terminate, the Employee shall be specifically advised as to whether there are periods of time during which they must convert their life insurance policy or other benefits to their own private insurance carrier within the time limits specified by the County’s carrier.

Title: Discipline Policy		Policy No.: 01-02
Section: 15	Code: P-S	Page No.: 4 of 5 E

Policy Statement and Guidelines:	
5. DOCUMENTATION / LETTER OF WARNING	
In reference to documentation and/or letters of warning, the following points shall be emphasized detailing corrective action:	
5.1	The incident shall be as complete and as detailed as possible.
5.2	The letter of warning must be dated and signed by the Chief Administrative Officer or Manager.
5.3	The letter of warning shall state the action taken by the Chief Administrative Officer and/or Manager to correct the incident.
5.4	Those factors which were considered relevant to the degree of action taken must be specified.
5.5	Any verbal discussion given previously must be indicated, as well as specific dates and other relevant material.
6. COLLECTIVE AGREEMENT	
In the event of discipline or termination of an employee, employed as part of under a union, the collective agreement should be followed.	
7. ALBERTA EMPLOYMENT STANDARDS	
For all non-union employees, the Alberta Employment Standards shall generally be followed unless otherwise specified in other County Policy or Bylaw documents.	

	Date	Resolution Number
Approved	August 16, 2007	# 532-07 - Page 8412
Amended	March 16, 2023	
Amended		



SCHEDULE "A"
SMOKY LAKE COUNTY

LETTER OF WARNING

Date:

Employee address:

Dear employee:

Paragraph 1:

Describe incident/situation/etc. which has led to the warning. Be clear and specific, using dates and times where possible. Avoid making assumptions about the employee's conduct where possible. Stick to facts. If the employee has received prior verbal or written warnings, make note of this in this letter.

Paragraph 2:

Describe specifically the change(s) you want to see and your expectations of the employee.

Paragraph 3:

Advise the employee of a 'review date', to meet and discuss progress. You may wish to include a positive statement regarding your belief in the employee's ability to make the changes necessary. If this is the final warning letter, advise the employee that any further incidences of the behaviour, etc., will result in termination.

Sincerely,

Supervisor's/manager's name Title



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.j

Topic: Regional Community Newsletter Concept

Presented By: CAO

Recommendation:

That Smoky Lake County support the concept of a regional community newsletter including information from the County, Town of Smoky Lake, Village of Vilna, and Village of Waskatenau, with the Town of Smoky Lake being the managing partner who would compile and produce the said newsletter; and request the Town of Smoky Lake propose parameters for the type of information a regional community newsletter would include and prepare a sample for further consideration.

Background:

The Town of Smoky Lake's CAO brought forward an idea to explore a regional community newsletter at the Joint Municipalities Meeting held on March 27, 2023. The Committee recommended each respective municipality bring forward ideas as to what the newsletter may include.

Benefits:

Brings the communities closer through regional information sharing.

Disadvantages:

The disadvantages of the recommendation are unknown at this time.

Alternatives:

Any alternative to the recommendation is at the discretion of Council.

Financial Implications:

Future expense is unknown.

Legislation:

N/A

Intergovernmental:

Involves the Town of Smoky Lake, Village of Vilna, and Village of Waskatenau.

Strategic Alignment:

N/A

Enclosure(s):

N/A

Signature of the CAO: _____

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by several loops and a final flourish, written over a horizontal line.



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: #7.k

Topic: Annual Safety Meeting

Presented By: CAO

Recommendation:

That Smoky Lake County's Annual Safety Meeting be scheduled for the preferred date of Friday, May 5, 2023 or Friday, May 26, 2023 as the alternative date, to be held at the National Hall in Smoky Lake; and Council approve to close all County offices on the day of the Annual Safety Meeting to allow for all employees to attend.

Background:

Annual Safety Meeting for all staff is held yearly with the exceptions during the pandemic. The Offices are closed during this day for all staff to attend.

Benefits:

Information for upcoming year and also hear from speakers to gain additional knowledge on safety topics.

Disadvantages:

Takes staff away from doing day to day operations.

Alternatives:

Could look at alt dates May 26th.

Financial Implications:

Cost of National Hall, food for lunch and guest speakers

Legislation:

The legislation, bylaws and/or policies relating to or affecting the recommendation are not listed on this RFD.

Intergovernmental:

Will be inviting staff from other municipalities in the region.

Strategic Alignment:

Education

Enclosure(s):

(List any supporting documents attached)

Signature of the CAO: _____

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by several loops and a period.



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.1

Topic: Rescind Policies

Presented By: CAO

Recommendation:

That Smoky Lake County Council rescind the following policies as they are redundant and/or superseded by bylaw:

- **Policy 01-03: Organizational Chart,**
 - **Policy 01-04: Public Notice of Council and Council Committee Meetings,**
 - **Policy 01-17: Rental of Warspite Hall,**
 - **Policy 01-20: Work Alone,**
 - **Policy 01-31: Y2K,**
 - **Policy 03-10: County Van,**
 - **Policy 03-40: Cold Weather- Equipment Mobilization,**
 - **Policy 04-02: Water Sampling Procedures,**
 - **Policy 04-04: Water Quality: Assurance,**
 - **Policy 08-09: Account Code Structure,**
 - **Policy 09-03: Primary Installations,**
 - **Policy 61-23: Regional Community Development Committee (RCDC): Contractor Performance Appraisal – Economic Development Assistant (EDA),**
 - **Policy 62-24: Sale of 2% Liquid Strychnine.**
-

Background:

In order to organize and update the County policies, a list has been compiled to rescind all of the ones that are outdated, superseded by Bylaw or not pertinent. The policies listed above are the obvious policies to rescind as the attached chart outlines.

The policy rescind/update chart was brought to the Policy Committee meeting on March 29, 2023 for Council information.

Benefits:

This keeps our policy records organized and there is no confusion if old policies are still in use or if the policy must be followed rather than a Bylaw. Rescinding the listed policies also avoids any confusion on the ratepayer's behalf as all of the above policies are listed on our website.

Disadvantages:

N/A

Alternatives:

Any alternative to the recommendation is at the discretion of Council.

Financial Implications:

There are no financial or budget implications to this recommendation.

Legislation:

Municipal Government Act (MGA)



Request for Decision (RFD)

Intergovernmental:

N/A

Strategic Alignment:

N/A

Enclosure(s):

Policy Rescind Chart

Signature of the CAO:

A handwritten signature in blue ink, consisting of a large loop followed by several vertical strokes, positioned over a horizontal line.

Policies to Rescind	
POLICY	
Section 1: General Government Services	
01-03: Organizational Chart	The Org Chart has been passed through motion of Council and it is unnecessary to be in policy
01-04: Public Notice of Council and Council Committee Meetings	Addressed in Bylaw 1316-18: Public Notification (Advertising Bylaw) and Procedural bylaw
01-06: Public Hearing Procedures	Superseded by Bylaw 1430-23: Planning and Development: Public Hearing Procedures
01-17: Rental of Warspite Hall	The County does not facilitate the rental of Warspite Hall
01-20: Work Alone	Addressed in the Safety Policies
01-31: Y2K	Redundant
Section 3: Transportation	
03-10: County Van	The County Van was sold many years ago
03-40: Cold Weather- Equipment Mobilization	This is not a governance issue; it is operational issue and can be addressed through a "management" policy or best practice
Section 4: Environmental	
04-02: Water Sampling Procedures	Superseded by Alberta Environment Regulation
04-04: Water Quality: Assurance	Superseded by Alberta Environment Regulation
Section 8: Finance	
08-09: Account Code Structure	This is not a governance issue and there is no need for it to be a policy
Section 9: Natural Gas	
09-03: Primary Installations	Superseded by Bylaw 1427-22: Natural Gas Bylaw
Section 61: Planning Development and Subdivision Control	
61-23: Regional Community Development Committee (RCDC): Contractor Performance Appraisal – Economic Development Assistant (EDA)	The EDA position no longer exists
Section 62: Agricultural	
62-24: Sale of 2% Liquid Strychnine	The province has removed the sale of Strychnine by Municipalities.



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.m

Topic: Know your Food Truck

Presented By: Agricultural Department

Recommendation:

That Smoky Lake County Council commit to fund the amount of \$3500 to bring the interactive "Know your Food Truck" mobile exhibition to Smoky Lake on August 23, 2023 for the Smoky Lake Chamber Street Fair.

Background:

Know your Food Truck is a mobile unit that travels across the province from April to October each year. It is a curriculum-based program that teaches teachers, students, and families about the importance of agriculture and food production in Alberta. Michelle Wright sent an email asking the Agricultural Services Department to sponsor some money for her to bring in the Know your Food Truck for the Smoky Lake Chamber Street Fair August 23.

Benefits:

Allowing the Smoky Lake Community to have an opportunity in coming to the event and participating in agricultural education and food production in Alberta. The Street Fair had great attendance in 2022 so the truck will get good exposure at this event in 2023.

Disadvantages:

Unsure if we will have enough money budgeted to give the full amount from our extension budget until after the Farmers Appreciation Barbecue in June, as the bulk of the extension budget goes towards that event every year.

Alternatives:

Do not fund the "Know your Food Truck"

Financial Implications:

\$3500

Legislation:

N/A

Intergovernmental:

N/A

Strategic Alignment:

Education

Enclosure(s):

Attachment #1 – Email request

Attachment #2 – Know your Food Truck info

Signature of the CAO: _____

A handwritten signature in blue ink, appearing to be "J.M.", written over a horizontal line.

Amanda

From: Michelle Wright <MWright@metis.org>
Sent: March 20, 2023 12:04 PM
To: Amanda Kihn <amandak@smokylakecounty.ab.ca>
Subject: Know your Food Truck

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I'm looking at bringing them in August 23 or 24 – is there a chance we could work with Ag Dept on supporting financially? It will be \$3500 to bring them in for the day. We will have them for the day and in the evening at the street fair.

M



Michelle Wright
Director of Visitor Experiences

P 780-656-2229 • C 780-656-5398
E mwright@metis.org

Métis Crossing
17339 Victoria Trail
Box 548, Smoky Lake, AB T0A 3C0
MetisCrossing.com



Tori Stang

From: Amanda Kihn
Sent: Tuesday, March 21, 2023 10:45 AM
To: Tori Stang
Subject: FW: Know your Food Truck

Can you do a little bit of research for me as to what exactly this know your food truck is so we can have some info for council

Thanks!

From: Michelle Wright <MWright@metis.org>
Sent: March 21, 2023 10:25 AM
To: Amanda Kihn <amandak@smokylakecounty.ab.ca>
Subject: RE: Know your Food Truck

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Perfect – yes let's ask for the whole thing! At the same time we will have the street fair and the community showcase going on so lots of exposure.



Michelle Wright
Director of Visitor Experiences

P 780-656-2229 • C 780-656-5398
E mwright@metis.org

Métis Crossing
17339 Victoria Trail
Box 548, Smoky Lake, AB T0A 3C0
MetisCrossing.com



From: Amanda Kihn <amandak@smokylakecounty.ab.ca>
Sent: Tuesday, March 21, 2023 10:23 AM
To: Michelle Wright <MWright@metis.org>
Subject: RE: Know your Food Truck

This message originated externally.

Hi Michelle,

I think that is a great idea. Will you be looking for the County to contribute that full \$3500 or a portion? We do have a small extension budget to work with however I will have a better idea what we will have remaining after our Farmers Appreciation BBQ in June as the bulk of it goes towards that. Regardless I think this is a request that may have to go to Council as it is monetary. I can do up an RFD and add it to next months agenda if you would like?



Let's go on a food journey from farm to fork

Die into Alberta agriculture, food literacy and the relationship between agriculture and our daily lives with a visit through the all-new, interactive Know Your Food mobile exhibition. The Ultimate Food Truck!

The Know Your Food exhibit introduces visitors to Alberta's very own farm-to-table story, engaging participants with interactive education stations that deliver curriculum, science-based, fun and relevant agriculture and food knowledge. The delivery format offers a blend of digital, tactile and conversational style learning, appealing to intergenerational families, junior and senior high teachers and students.

Learn about: technology, innovation, production, global markets, careers, food waste and more.

[Book the Mobile Classroom](#)

A Special Initiative by



[Home](#) [About Us](#) [Bookings](#) [Partnerships](#) [Contact](#) [References](#)

Know Your Food Registration Form

Know Your Food is a curriculum-based program that teaches teachers, students and families about the importance of agriculture and food production in Alberta.

Within the exhibit, participants explore topics such as technology and innovation, production, careers, STEM and much more. The content is perfect for the grade 7–12 curriculum.

The mobile unit is operated by our team of program specialists who travel across the province connecting visitors with important agriculture information. With four interactive stations, participants have the opportunity to learn while they engage with digital, tactile and mechanical displays.

Station Topics include:

- Technology & Innovation
- Production
- Markets
- Food for Thought

Booking Fee

School Events: No Charge- Minimum 100 students per visit.

*The cost per student is subsidized by the generosity of our corporate partners.

PRICES SUBJECT TO CHANGE.

LARGE GROUP BOOKINGS MAY BE SPREAD OVER MULTIPLE DATES.

CONSECUTIVE FIELD TRIPS ARE SCHEDULED BACK-TO-BACK

Community Event Day Rate \$2,500

Before booking, please download our requirements document to ensure your venue can accommodate the Know Your Food unit. [DOWNLOAD HERE](#)

Know Your Food operates between April and October each year in various zones around the province. School programs are geared towards grades 7–12 and community event programming can be tailored towards families attending. We will do our best to accommodate your request, however, not all bookings can be fulfilled each year.

Contact us for more information at info@agricultureforlife.ca.





Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.m

Topic: 2023 Northeast Regional Agricultural Service Board Conference

Presented By: Agricultural Department

Recommendation:

That Smoky Lake County Agricultural Services Department plan and host the 2023 Northeast Regional Agricultural Service Board Conference to be held at Metis Crossing on October 20, 2023.

Background:

At the February 21, 2023 Agricultural Service Board meeting the following motion was made:

ASB023-23: Fenerty

That Smoky Lake County's Agricultural Service Board agree to host and schedule the Year-2023 Northeast Regional Agricultural Service Board Conference on Friday, November 3, 2023, at a local location to be determined.

We have since received a cost of hosting the event at Metis Crossing (see Attachment #1).

The original date of November 3, 2023 no longer works for the Northeast Agricultural Service Board Provincial Committee (ASBPC) representative to host the resolution session. October 20, 2023 is a date that works for the ASBPC and Alberta Agriculture and Irrigation ASB program representatives.

As per the 2023-2025 Strategic Plan prioritizing sustainable local foods, a theme and speakers along these lines will be chosen.

Benefits:

- Receive information from guest speakers and updates from the ASB program.
- Opportunity to showcase our region.

Disadvantages:

Undetermined cost to the Smoky Lake County.

Alternatives:

n/a

Financial Implications:

Charge registration fees accordingly to cover costs.

Legislation:

Agricultural Service Board Act

Intergovernmental:

Collaboration amongst ASB's in the Northeast region on agricultural issues.



Request for Decision (RFD)

Strategic Alignment:

Smoky Lake County Strategic Plan 2023-2025 priority "Agriculture – The Council will seek opportunities to enhance the agricultural culture of the region through new and innovative partnerships that prioritize landowner needs, sustainable local foods."

Enclosure(s):

Attachment #1 – ASB Regional Conference Venue Options

Signature of the CAO:

A handwritten signature in blue ink, appearing to be "JMM", written over a horizontal line.

ASB Regional Conference Venues

Metis Crossing

- 350 people capacity
- Buffet lunch \$25-\$30 per person
- Coffee/tea/water \$10 per person
- \$1000 for the day

Smoky Lake Complex

- 700 people capacity
- \$800 for the day
- \$2.50 a plate for kitchen use
- Can use any caterer

Vilna Hall

- 400 people capacity
- Over 8 hours \$1200
- Under 8 hours \$600
- \$400 kitchen fee
- Caterer has to be pre approved

Stry Hall

- 700 people capacity
- \$800 for the day
- \$400 kitchen fee
- \$400 damage deposit (returned upon cleanup)
- Can use any caterer



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.0

Topic: Federation FIRE AGM & Member's Meeting

Presented By: Daniel Moric, Gas Department

Recommendation:

Who can attend, attend the Federation Insurance Reciprocal Exchange AGM & Federation of Alberta Gas Co-op's Member's Meeting on June 21, 2023 held at the River Cree Resort & Casino.

Background:

The Natural Gas Manager and Council have attended this meeting in prior years to receive updates and to vote on pertinent matters relating to the Federation Insurance Reciprocal Exchange. Updates are also received from the Federation of Alberta Gas Co-op's staff and committee's, as well as other member co-op's. Voting will be taking place on insurance matters relating to member co-op's and other informational topics will be discussed.

Benefits:

Council will have the opportunity to network with other member municipality's Council's, board members, and Federation board and staff.

Disadvantages:

N/A

Alternatives:

Any alternative to the recommendation is at the discretion of Council.

Financial Implications:

The event is scheduled for June 21, 2023.

- Hotel rooms are booked through the Federation's room rate of \$174.00 per night, if an attendee wishes to travel the night before. Check in June 20th, check out June 21st.
- Registration fees are based on attendance. Spoke to organizer and states the rate per attendee is approx. \$160-\$180 per person.
- Total cost to County would be \$354 (estimate) per attendee.

Legislation:

The legislation, bylaws and/or policies relating to or affecting the recommendation are not listed on this RFD.

Intergovernmental:

Meeting will be attended by other member municipality's Councils, co-op boards, and Federation staff.

Strategic Alignment:

N/A

Enclosure(s):

Email and attachment will be provided.

Signature of the CAO: _____

A handwritten signature in blue ink, appearing to be "DM", written over a horizontal line.



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: # 7.p

Topic: Snow Blade Proposal for Unit 206 – GMC 3500 4X4

Presented By: Public Works Foreman

Recommendation:

That Smoky Lake County take no action to the quote# EDWQTE115677, received form Drive Products Inc. dated April 4, 2023 for a 7.5ft snow plow attachment, further to the March 16, 2023, Council Motion #448, requesting a quote to provide a snow blade attachment for Public Works Unit 206, GMC 3500 4X4.

Background:

On March 16, 2023 Council requested that Administration obtain a quote to purchase and install a snow blade onto Unit 206, which is a 2013 GMC 3500, 4X4 with 185737km on it. The Public Works Shop Foreman has provided the information. The blade must be a straight blade as it can't be a V-type, due to the front axle weight rating of the truck is only 4800lbs and rear is 7050lbs.

Benefits:

Would provide another means of snow removal.

Disadvantages:

Unbudgeted costs to purchase and install the blade.

Alternatives:

Any alternative to the recommendation is at the discretion of Council.

Financial Implications:

Unbudgeted amount of \$10,834.86 plus installation.

Legislation:

Policy Statement No. 08-16-01: Purchasing Guidelines

Intergovernmental:

N/A

Strategic Alignment:

N/A

Enclosure(s):

1. Quote # EDWQTE115677 from Drive Products Inc., dated April 4, 2023


Signature of the CAO: _____

A handwritten signature in blue ink, consisting of a large, stylized 'S' followed by several loops and a final flourish.










Request for Decision (RFD)

Enclosure #1



DRIVE PRODUCTS
SOLUTIONS / PARTNERS / SERVICES

DRIVE PRODUCTS GROUP OF BRANDS **POWER BEYOND**

DRIVE PRODUCTS INC.(ACHE)
11465-259 St.
Acheson, AB T1X 6C4
Phone: (780) 960-6826
Toll Free: (800) 661-7335
Fax: (780) 960-6138

QUOTATION - SOUMISSION


Quotation / Soumission	EDWQTE115677
Date	4/4/2023
Page	1

Expiry Date / Date d'expiration: 4/19/2023

Sold To - Vendu À
County Of Smoky Lake
Box 310
Smoky Lake AB T0A 3L0

Ship To - Expédié À
County Of Smokey Lake
5004 50 St
Smokey Lake AB T0A 3C0

Customer No. N° du Client	Customer PO Bon commande	Salesperson Vendeur	Customer Service Représentant	Shipping Method Méthode d'expédition	Ship Date Date d'expédition (mm/dd/yy)
COUNTY5		RBILYK	TRIDEOUT		
VIN : NV		Odometer : Odomètre	Unit# : Numéro d'unité	Job Scope : Description de tâche	

Qty	Item Number Numéro d'article	Description	U of M	Unit Price Prix Unitaire	Net Amount Montant Net
1	P75HALO-WES	7.5ft Pro Plow Halogen Package	each	\$10,318.91	\$10,318.91
					
				Subtotal / Sous-total	\$10,318.91
				Freight / Transport	\$0.00
				GST	\$515.95
				PST	
				Total	\$10,834.86

Signature _____

Date _____

DPI GST# 85240 0316 RT0001
DPI GST# 1217408993 TQ0001



Request for Decision (RFD)

Meeting Date: Thursday, April 13, 2023

Agenda Item: #7.q

Topic: Policy Statement No. 02-09-03: Peace Officer: Human Relations Records

Presented By: Bylaw Enforcement

Recommendation:

That Smoky Lake County amend Policy Statement No. 02-09-03: Peace Officer: Human Relations Records.

Background:

Administration updated a mandatory Policy in Human Relations on Incident Reporting. In accordance with Bulletin 17-2019 – Released on “NEW” Incident Reporting format, it combines Type of Complaints and Incidents specific to the regular language of the Peace Officer Program. New Policy Sections: Point 2.6 and 2,7; and Section 3 and 4.

Benefits:

Adhere to Solicitor General and Public Security legislative requirements to remain in compliance.

Disadvantages:

There are no disadvantages to the recommendation.

Alternatives:

There are no alternatives to the recommendation because it is a legislative requirement.

Financial Implications:

There are no financial or budget implications to this recommendation.

Legislation:

Peace Officers Ministerial Regulations Act.

Intergovernmental:

Peace Officer Program, Alberta Justice and Solicitor General Department.

Strategic Alignment:

N/A

Enclosure(s):

Policy 02-09-03: Peace Officer: Human Relations Records

Signature of the CAO: _____

A handwritten signature in blue ink, appearing to be "JMM", written over a horizontal line.



SMOKY LAKE COUNTY



Title: Peace Officer: Human Relations Records		Policy No.: 09-03
Section: 02	Code: P-A	Page No.: 1 of 5

E

Legislation Reference:	Peace Officer (Ministerial) Regulation Act
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Purpose:	To detail the contents of material necessary to retain on Peace Officers.
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Policy Statement and Guidelines:

1. PEACE OFFICER'S PERSONNEL RECORDS:

- 1.1 Each employee as Peace Officer employed by the Smoky Lake County will have a separate individual file in which records are stored.
- 1.2 The original documents will be stored in the County Vault within the Central Office. Copies of relevant documents shall be kept in a secondary file accessible to the Chief Administrative Officer and Community Peace Officer.
- 1.3 Files of past employees shall be kept a minimum of three (3) years. Appointments of past employees must be returned to Public Security Division.

2. PERSONNEL FILES:

Personnel Files shall contain the following required information in accordance under Section 14 of the **Peace Officer (Ministerial) Regulation Act**:

- 2.1 The Peace Officer's Appointment.
- 2.2 Copy of the Peace Officer's Identification Card.
- 2.3 Oath of Office for Peace Officers – **Schedule "A"**.
- 2.4 Training Certificates from required courses to become a Peace Officer.
- 2.5 Copies of Complaints against the Peace Officer, in addition to documentation showing Public Security Division has been notified of the complaint when required Complaints must be kept on file for a minimum of five (5) years.
- 2.6 Recertification documents on applicable courses (i.e. Baton, OC Spray, Officer Safety, etc.).
- 2.7 Criminal records checks for Peace Officers must be retained for a minimum of two (2) years.
- 2.8 Date of Cessation of employment and reason for such.

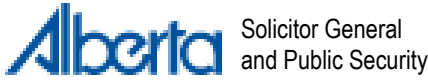
Title: Peace Officer: Human Relations Records		Policy No.: 09-03
Section: 02	Code: P-A	Page No.: 2 of 5

E

Policy Statement and Guidelines:	
3. TRAINING:	
3.1	Smoky Lake County shall endeavour to provide appropriate ongoing training and development for the employment of a Community Peace Officer as required by the Alberta Justice and Solicitor General, Public Security Peace Officer Program.
4. INCIDENT REPORTING REQUIREMENTS:	
4.1	All incidents that require reporting shall conform with Section 22 of the <i>Alberta Public Security Peace Officer Program Policy and Procedures Manual – Form PS3535</i> , as demonstrated in Schedule “B”: Incident Report Form .
4.2	Incident reporting shall be done in a format designed by the Alberta Public Security Peace Officer Program Policy and Procedures Manual and submitted electronically within the specified time limit requirement, as documented on the Incident Report form to poprogram@gov.ab.ca .
4.3	A record of all incidents involving the Community Peace Officer shall be saved electronically for County record, printed and stored in a secure locked filing cabinet.

	Date	Resolution Number
Approved	September 20, 2007	# 602-07 - Page # 8471
Amended	February 21, 2008	# 280-08 - Page # 8601
Amended	Month 00, 2023	# -23 - Page #
Amended		

SCHEDULE "A"



OATH OF OFFICE FOR PEACE OFFICERS

Public Security Peace Officer Program

I, _____,

Swear that I will diligently, faithfully and to the best of my ability execute according to law in the office of a peace officer for the _____ and will not, except in the discharge of my duties, disclose to any person any matter or evidence brought before me in this office of a peace officer, so help me God.

Sworn before me in the _____ of)
_____ in the Province of Alberta, this)
_____ day of _____, _____.)
_____)
Commissioner for Oaths in and for the Province of Alberta

Signature

Print Name and Expiry Date

SCHEDULE "B"



INCIDENT REPORT

Public Security Peace Officer Program

- New Report
- Follow Up
- Concluded

This form refers to one incident only – to be submitted electronically.

Menu selections will trigger corresponding fields to determine event and time

Submission Date yyyy-mm-dd
(update for each follow up submission)

PART 1A – Type of Complaint

<p>Type of Complaint - <i>Drop down menu selection</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Employer Initiated Investigation <input type="checkbox"/> Public Complaint <input type="checkbox"/> Reportable 	<p>Type of Incident - <i>Drop down menu selection</i></p> <ul style="list-style-type: none"> <input type="checkbox"/> Allegation of Criminal Act <input type="checkbox"/> Code of Conduct <input type="checkbox"/> Excessive Force <input type="checkbox"/> Vehicle Pursuant <input type="checkbox"/> Charge or Arrest <input type="checkbox"/> Leave / Suspension <input type="checkbox"/> Replacement of ID Card
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Employer File Number	Date of Incident yyyy-mm-dd	Time (24 hour clock)
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Street Address	City or Town	Province	Postal Code
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PART 1B – Complainant Information

Complainant Last Name	Complainant First Name
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Mailing Address	City or Town	Province	Postal Code
-----------------	--------------	----------	-------------

Email Address	Phone
---------------	-------

PART 2 – Peace Officer(s)

Last Name	First Name	Appointment No.
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PART 3 – Employer Information

Authorized Employer Name (as it appears on Authorization)	Authorized Employer Number
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Division	Unit
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Street Address	City or Town	Province	Postal Code
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Person Submitting Incident Report	Email Address	Phone Number
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Authorized Employer Contact Person (if different from above)	Email Address	Phone Number
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INCIDENT REPORT

Public Security Peace Officer Program

PAGE TWO

Menu selections will trigger corresponding fields to determine event and time

PART 4 – Event and/or Action Taken (Check all that apply or leave blank if not applicable)

Event (As per Complaint and Incident Menu selections)	Reporting Time Limit
<input type="checkbox"/> Leave with Pay	Immediately
<input type="checkbox"/> Leave without Pay	Immediately
<input type="checkbox"/> Administrative Suspension	Immediately
<input type="checkbox"/> Use of a firearm / Use of OC Spray / Use of Baton / Use of CEW	Immediately
<input type="checkbox"/> Use of Physical Force	Immediately
<input type="checkbox"/> Termination of Peace Officer	Immediately
<input type="checkbox"/> Disciplinary/non-disciplinary measures have been imposed in accordance with the AE's HR policies and procedures	30 Days
<input type="checkbox"/> Discipline Pending	45 Days
Public Security Peace Officer Program Policy and Procedures Manual – Section 21	
<input type="checkbox"/> Arrested or charged under the Provincial Statutes of Alberta Report	24 hours
<input type="checkbox"/> Allegations of criminal Acts	24 hours
<input type="checkbox"/> Disposition of charges by the courts	48 hours
<input type="checkbox"/> Public complaint under section 14 of the Act	30 days of receipt / Every 45 days until concluded
<input type="checkbox"/> Allegations of pursuit	24 hours
<input type="checkbox"/> Policy amendments and new policy requirements	Immediately
<input type="checkbox"/> Annual Report	Annually in January
<input type="checkbox"/> Leave of absence for medical or maternity leave of more than six months	Immediately on notification
<input type="checkbox"/> Return to Active duty following suspension, administrative leave or hold	10 days prior to return
<input type="checkbox"/> Serious injury or death of or involving a peace officer	Immediately
<input type="checkbox"/> Serious or sensitive situation related to the actions of the peace officer	Immediately
<input type="checkbox"/> Change of contacts	Immediately
<input type="checkbox"/> Employee-initiated investigation under section 16 of the Act	Conclusion of investigation
<input type="checkbox"/> TSA violations issued out of jurisdiction	Brief summary of why

PART 5 – Details of Incident

Brief summary of complaint or incident, involved parties, dates, status of officer, next step, etc.

PART 6 – Documents for Submission to the Program (if applicable)

The required list below is non-exhaustive. The authorized employer may submit other supporting materials (emails, court transcripts, photographers, text screen shots) to provide the Peace Officer Program with additional context to the incident. Retain all materials per retention policy.

Menu selections will trigger corresponding fields to determine event and time

<input type="checkbox"/> Copy of complaint	<input type="checkbox"/> Investigation Report
<input type="checkbox"/> Acknowledgement letter to complainant	<input type="checkbox"/> Disposition letter to complainant
<input type="checkbox"/> Acknowledgement letter to peace officer	<input type="checkbox"/> Disposition letter to peace officer
<input type="checkbox"/> Notification to peace officer	<input type="checkbox"/> Must <u>immediately</u> provide in-car video

This form can be emailed with your attachment to:

Complaint Coordinator
Public Security Peace Officer Program
Email: POProgram@gov.ab.ca
9th Floor, 10365 – 97 Street
Edmonton, Alberta T5J 3W7
Phone: 780-638-3704



To whom it may Concern,

Smoky Lake Minor Hockey is proud to say that two of their teams, The U15 and the U13 team, have successfully made it to advance to Provincials this year, with the U15 team winning Gold in the League! This will see the U15 team playing in Tofted for 4 days and the U13 playing in For McCleod for four days, from the 23-26th of March.

In previous years, the Minor hockey association has come to the Smoky Lake County requesting available funding for these types of events, as the cost to attend can be quite high, especially for a small organization such as ours. We keep our fees low, in order to accommodate and include as many players as possible and provide an opportunity for kids to have the chance to play, learn and grow together as a team.

Your contribution to our organization attending this event, would be greatly appreciated and would make it possible for all families and players to attend and not miss out on this amazing opportunity for the players, who worked so hard to achieve this.

Thank you for your time and consideration of our organization.

Sincerely,

Rosanna Trenchuk

A handwritten signature in black ink, appearing to read 'Rosanna Trenchuk', followed by a period.

• Acting President
Kelly Montgomery.
Secretary.

SAMPLE PROCLAMATION**ECONOMIC DEVELOPMENT WEEK**

May 8 - May 12, 2023

Whereas, communities rely on economic development professionals to promote economic well-being and quality of life; for Smoky Lake County that means coordinating activities that create, retain, and expand jobs in order to facilitate growth, enhance wealth, and provide a stable tax base; and

Whereas, economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of Alberta's economy; and

Whereas, economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions; and

Whereas, economic developers attract and retain high-quality jobs, develop vibrant communities, and improve the quality of life in their regions; and

NOW THEREFORE BE IT RESOLVED, that Smoky Lake County recognizes May 8 through May 12, 2023 as Economic Development Week, and reminds individuals of the importance of this community celebration which supports expanding business opportunities and making lives better.

From: JSG Engagement <JSG.Engagement@gov.ab.ca>

Sent: Friday, March 17, 2023 7:29 PM

Subject: In-person Town Halls - Minister of Public Safety and Emergency Services and Minister of Justice

Hello,

Albertans are invited to participate in upcoming in-person town halls hosted by the Minister of Public Safety & Emergency Services, Mike Ellis, along with some dates co-hosted with the Minister of Justice, Tyler Shandro. The town halls are an opportunity to learn more about government priorities and ask questions.

Please register for your selected session at the links below:

Location	Date/Time	Registration Link
St. Paul Royal Canadian Legion Branch 100, 4925 49 Ave, St. Paul, AB T0A 3A0 Capacity: 100	Friday, March 24 th , 2023 6:00p.m. to 7:00p.m.	https://www.eventbrite.ca/e/591813268417
Red Deer Alberta Sports Hall of Fame, 102-4200 Hwy 2, Red Deer AB T4N 1E3 Capacity: 100	Thursday, March 30 th , 2023 5:00p.m. to 6:00p.m.	https://www.eventbrite.ca/e/591819135967
Lethbridge Birch Hall, Sandman Signature Lethbridge Lodge, 320 Scenic Drive South, Lethbridge, AB T1J 4B4 Capacity: 100	Tuesday, April 4 th , 2023 5:00p.m. to 6:00p.m.	https://www.eventbrite.ca/e/591820921307
Brooks East/West Meeting Room, JBS Canada Centre, 323 1 St E, Brooks, AB T1R 1B7 Capacity: 100	Wednesday, April 5 th , 2023 6:00p.m. to 7:00p.m.	https://www.eventbrite.ca/e/591823067727
Slave Lake Elks Hall, Legacy Centre, 400 6 Ave NE #200, Slave Lake, AB T0G 2A2 Capacity: 100	Tuesday, April 18 th , 2023 5:00p.m. to 6:00p.m. <i>Note: co-hosted with Ministry of Justice</i>	https://www.eventbrite.ca/e/591825986457
Airdrie Rotary Room, Genesis Place, 800 East Lake Blvd NE, Airdrie, AB T4A 2K9 Capacity: 100	Wednesday, April 19 th , 2023 6:00p.m. to 7:00p.m. <i>Note: co-hosted with Ministry of Justice</i>	https://www.eventbrite.ca/e/591829186027

Please contact JSG.Engagement@gov.ab.ca if you have any questions or concerns.

We look forward to your participation.



ALBERTA

MUNICIPAL AFFAIRS

*Office of the Minister**MLA, Calgary-Shaw*

AR110742

March 21, 2023

His Worship Richard Warren
Mayor
Village of Waskatenau
PO Box 99
Waskatenau AB T0A 3P0

Dear Mayor Warren:

Through the Alberta Community Partnership (ACP) program, the Government of Alberta encourages strengthened relationships between municipalities and cooperative approaches to service delivery. By working in partnership with our neighbours, we create opportunities that support economic development and job creation. Together, we help build vibrant, resilient communities for the benefit of all Albertans.

I am pleased to inform you that the Village of Waskatenau has been approved for a grant of \$152,474 under the Intermunicipal Collaboration component of the 2022/23 ACP in support of your Waskatenau Creek Intermunicipal Trail Connectivity Study project. This approval does not signify broader provincial support for any recommendation or outcome that might result from your project.

The conditional grant agreement will be sent shortly to your Chief Administrative Officer to obtain the appropriate signatures.

The Government of Alberta looks forward to celebrating your ACP-funded project with you and your municipal partnership. I encourage you to send invitations for these milestone events to my office. We ask that you advise Municipal Affairs a minimum of 15 working days prior to the proposed event. If you would like to discuss possible activities or events to recognize your ACP achievements, please contact a grant advisor, toll-free by first dialing 310-0000, then 780-422-7125, or at acp.grants@gov.ab.ca.

.../2

I congratulate the partnership on initiating this project, and I wish you every success in your efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Schulz". The signature is fluid and cursive, with the first name "Rebecca" being larger and more prominent than the last name "Schulz".

Rebecca Schulz
Minister

cc: Honourable Brian Jean, KC, MLA, Fort McMurray-Lac La Biche
Honourable David B. Hanson, MLA, Bonnyville-Cold Lake-St. Paul
Glenn van Dijken, MLA, Athabasca-Barrhead-Westlock
Reeve Lorne Halisky, Smoky Lake County
Bernice Macyk, Chief Administrative Officer, Village of Waskatenau
Gene Sobolewski, Chief Administrative Officer, Smoky Lake County



ALBERTA
TRANSPORTATION AND ECONOMIC CORRIDORS

*Office of the Minister
MLA, Innisfail-Sylvan Lake*

March 27, 2023

AR 92193

Mr. Lorne Halisky
Reeve
Smoky Lake County
PO Box 310
Smoky Lake, AB T0A 3C0
lhalisky@smokylakecounty.ab.ca

Her Worship Ann Cherniwchan
Mayor
Town of Smoky Lake
PO Box 460
Smoky Lake, AB T0A 3C0
amy@smokylake.ca

Dear Reeve Halisky and Mayor Cherniwchan:

Thank you for your December 12, 2022 letter requesting a speed limit reduction on Highway 28 near the Town of Smoky Lake.

Highway safety is a top priority for Transportation and Economic Corridors, and as such, I recognize the importance of this request for a permanent speed limit change on Highway 28 in the vicinity the Town of Smoky Lake,

I agree that a posted speed limit of 80 kilometres per hour could be accommodated for this section of roadway. I have asked department staff to prepare the ministerial order so that the lower speed limit can be implemented. The speed limit would then come into effect once the ministerial order is complete and the signs are installed.

As you are aware, the 2018 study recommended several improvements to the Highway 28 corridor from Edmonton to Cold Lake. This highway corridor has seen considerable investment over the past several years; including intersection improvements at the intersections of highways 28/855, and at the Highway 28/Smoky Lake access. I appreciate you noting that additional traffic is expected with the opening of the new school. Although the department does not anticipate a significant change as the new school is replacing the existing school, staff will continue to closely monitor the intersection of highways 28 and 855 as safety of the travelling public is our priority.

.../2

If you have any further questions, please contact Michael Botros, Regional Director. Mr. Botros can be reached toll-free by dialing 310-0000, then 780-305-2405, or at michael.botros@gov.ab.ca.

Thank you for bringing your concerns to my attention.

Sincerely,



Honourable Devin Dreeshen, ECA
Minister of Transportation and Economic Corridors

cc: Glenn van Dijken, MLA for Athabasca-Barrhead-Westlock
Michael Botros, Regional Director, Transportation and Economic Corridors

From: Tina Boucher <admin@bigbuffalolaw.ca>

Sent: Monday, March 27, 2023 5:44 PM

To: Kyle Schole <kschole@smokylakecounty.ab.ca>; Dwayne Roth <dwayne@bigbuffalolaw.ca>

Subject: Buffalo Lake Pro Rodeo - UPDATE

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Sponsorship opportunities for the **Buffalo Lake Pro Rodeo 2023** are almost sold out. There are only a few remaining event sponsorships and two junior sponsorships available.

This is the **ONLY** Pro Rodeo in an Indigenous community in Canada!

Updates:

- **Virgil**, the two time world champion bucking horse will be there
- Tickets are now on sale through **Eventbrite**
- **Miss Rodeo Canada**, Mackenzie Skeels, will be there
- **VIP** only area CONFIRMED
- Beer garden, Jamboree and Cabaret featuring Juno Award nominated **Armond Duck Chief**
- Attendance is expected to be **3,000** people
- The event is **CPRA** and now also **PRCA** sanctioned!

Act now to be part of this very special event!

See the Buffalo Lake Metis Settlement **Facebook** page for more information: <https://www.facebook.com/BufaloLakeMetisSettlement/>

Dwayne Roth, LL.B.

Direct Line (587) 532-9392







May 27 - 28, 2023

EVENT SPONSOR \$10,000 (Seven Total)

- Corporate banner located on the inside coral fence.
- Recognition as event sponsor on almost all sponsored event related marketing and advertising.
- Corporate logo showcased on almost all sponsored event related marketing materials and communications.
- Recognition on almost all sponsored event related social media and website announcements.
- Special recognition during the sponsored event.
- 6 complimentary event passes and 6 lunch tickets.
- Opportunity to present award for event.





May 27 - 28, 2023

EVENTS (One Sponsor Per Event)

- BAREBACK
- BULL RIDING
- TEAM ROPING
- SADDLE BRONC
- STEER WRESTLING
- TIE DOWN ROPING
- LADIES BARREL RACING





May 27 - 28, 2023

JUNIOR SPONSORSHIP \$5,000 (Four Total)

- Corporate banner located on the inside coral fence.
- Recognition as junior event sponsor on almost all sponsored event marketing and advertising.
- Corporate logo showcased on almost all sponsored junior event related marketing materials and communications.
- Recognition on almost all sponsored junior event related social media and website announcements.
- Special recognition during the sponsored junior event.
- 4 complimentary event passes and 4 lunch tickets.





May 27 - 28, 2023

JUNIOR EVENTS (One Sponsor Per Event)

- Novice Saddlebronk Riding
- Ladies Breakway Roping
- Novice Bareback Riding
- Junior Steer Riding

CONTACT
DWAYNE ROTH
 (587) 532-9392
 ceo@bigbuffalo.ca
 to reserve your sponsorship today.



March 25, 2023

To Whom It May Concern,

Twelve promising young archers from H.A. Kostash School in Smoky Lake (listed below) were recently selected to represent Canada on the 32-member **Canadian NASP All-Star Team**. These students will be competing in an international tournament scheduled to take place from July 26-30 in South Africa.

This trip will be a memorable experience for our students, as they will be given the opportunity to connect with, and compete against students from many African countries, forming life-long bonds while experiencing a number of different cultures.

A trip of this magnitude is, of course, very costly. We are striving to reduce these costs, to ensure each student may attend. Our team has already executed several fundraisers to assist with the costs and many more are planned for the coming months. We are also reaching out to organizations and individuals like you, in hopes of acquiring further financial assistance in our endeavour.

We are asking you to consider sponsoring this undertaking. In the event that you wish to make a contribution, there are a number of options to consider:

- 1. **Sponsorship of the entire 12-student contingent from Smoky Lake.** These monies will be divided evenly among the 12 students. This can be accomplished by e-transferring the desired amount to smokylakearchery2023@gmail.com or by mailing a cheque made payable to "Smoky Lake Archery 2023" to:
 - Smoky Lake Archery 2023
 - Box 1045
 - Smoky Lake, AB T0A 3C0

- 2. **A donation to an individual student on the team.** Please make cheques payable to that student.

Lauryn Boykiw	Talli Karvonen	Ellee Seitz
Jewel Cherniwchan	Sam Mahon	Jedd Serben
Daniella Justus	Brody Pybus	Ella Turko (Ryder as backup)
Brayden Karvonen	Talia Rogoza	Logan Ziprick

- 3. **A donation to the entire 32-student team from all over Alberta.** Please make cheques payable to AHEIA, % "Canadian NASP All Star Team 2023". Cheques can be mailed to:

AHEIA
 911 Sylvester Crescent SW
 Calgary, AB T2W 0R8

Thank you in advance for your consideration and support.

Respectfully,

Dave Paplawski
 AHEIA NASP Specialist
 Chairman, 2023 Canadian NASP All-Star Team
dave@aheia.com (403) 816-5334

To: Whomever this may concern,

The Smoky Lake Holublka Dancers will be participating in the Annual Highway Clean Up on Saturday May 6th, 2023. We will be cleaning the ditches between Warspite to Highway 855 North of Smoky Lake. There will be about 40 of us participating as our club has grown significantly this year. If you would be willing to donate \$350 for a lunch for the participants after we completed highway clean up that would be greatly appreciated. If you have any questions please don't hesitate to call me any time. My phone number is 780-656-8866.

Sincerely:



Lisa Shires

Coordinator for Highway clean-up for the
Smoky Lake Holubka Dancers

MAR 2 2023



ALBERTA
MUNICIPAL AFFAIRS

*Office of the Minister
MLA, Calgary-Shaw*

AR110902

Dear Chief Elected Official:

Joint use and planning agreements (JUPAs) between municipalities and school boards operating within municipal boundaries enable the integrated and long-term planning and use of school sites on municipal reserve, school reserve, and municipal and school reserve lands.

On June 10, 2020, Section 670.1 of the *Municipal Government Act* was proclaimed, setting the deadline for municipalities to complete these agreements with the applicable school boards by June 10, 2023.

The ministries of Municipal Affairs and Education have heard from municipalities and school boards about the challenges of meeting this deadline. My colleague, the Honourable Adriana LaGrange, Minister of Education, and I have agreed to extend the deadline for municipalities and school boards to June 10, 2025, to provide sufficient time to complete these agreements.

In addition to this extension granted as per Ministerial Order No. MSD:013/23, the Ministry of Municipal Affairs can provide additional supports to municipalities to assist with the development of these agreements. Questions regarding JUPAs can be directed to a planning advisor at ma.advisory@gov.ab.ca, or toll-free by first dialing 310-0000, then 780-427-2225. Should municipalities require support to mediate discussions with school boards, please email municipalcollaboration@gov.ab.ca or call the number above for more information.

Sincerely,

Rebecca Schulz
Minister

Attachment: Ministerial Order No. MSD:013/23

cc: Honourable Adriana LaGrange, Minister of Education



ALBERTA
MUNICIPAL AFFAIRS

*Office of the Minister
MLA, Calgary-Shaw*

MINISTERIAL ORDER NO. MSD:013/23

I, Rebecca Schulz, Minister of Municipal Affairs, pursuant to Section 605(2) of the *Municipal Government Act (MGA)*, make the following order:

The date by which a municipality must enter into a joint use and planning agreement with a school board, as required by Section 670.1(1) of the *MGA*, is extended to June 10, 2025.

This order shall come into force on April 1, 2023.

Dated at Edmonton, Alberta, this 8th day of March, 2023.

Rebecca Schulz
Minister of Municipal Affairs

Deputy Minister
18th Floor Commerce Place
10155 - 102 Street
Edmonton, Alberta T5J 4L4
Canada
Telephone: 780-427-4826
MA.DMO@gov.ab.ca

AR110867

April 4, 2023

Earla Wagar
Chief Administrative Officer, Village of Vilna
PO Box 10
Vilna AB T0A 3L0

Dear Earla Wagar:

Subject: 2022/23 Alberta Community Partnership – Intermunicipal Collaboration Application

Thank you for your grant application under the Intermunicipal Collaboration component of the 2022/23 Alberta Community Partnership program.

The program received a significant number of applications for grant funding, which could not all be accommodated within program funding levels.

On behalf of the Minister, I regret to advise that the following application has been declined:

- Regional Indigenous Collaboration Framework – \$200,000

The ministry recognizes the cooperative efforts being taken throughout Alberta to build stronger communities. I look forward to working in partnership on other endeavours through our grant programs.

If you have any additional questions regarding your application, please contact Ryan Barber, Manager, Regional Grant Programs, toll-free by first dialing 310-0000, then 780-422-8755, or at acp.grants@gov.ab.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brandy Cox".

Brandy Cox
Deputy Minister

cc: Honourable Rebecca Schulz, Minister of Municipal Affairs

AR110867

April 4, 2023

Dawn Phillips
Chief Administrative Officer, Town of Smoky Lake
PO Box 460
Smoky Lake AB T0A 3C0

Dear Dawn Phillips:

Subject: 2022/23 Alberta Community Partnership – Intermunicipal Collaboration Application

Thank you for your grant application under the Intermunicipal Collaboration component of the 2022/23 Alberta Community Partnership program.

The program received a significant number of applications for grant funding, which could not all be accommodated within program funding levels.

On behalf of the Minister, I regret to advise that the following application has been declined:

- Regional Water, Wastewater, and Stormwater Infrastructure Design Study – \$200,000

The ministry recognizes the cooperative efforts being taken throughout Alberta to build stronger communities. I look forward to working in partnership on other endeavours through our grant programs.

If you have any additional questions regarding your application, please contact Ryan Barber, Manager, Regional Grant Programs, toll-free by first dialing 310-0000, then 780-422-8755, or at acp.grants@gov.ab.ca.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brandy Cox".

Brandy Cox
Deputy Minister

cc: Honourable Rebecca Schulz, Minister of Municipal Affairs

Deputy Minister
18th Floor Commerce Place
10155 - 102 Street
Edmonton, Alberta T5J 4L4
Canada
Telephone: 780-427-4826
MA.DMO@gov.ab.ca

AR110867

April 4, 2023

Gene Sobolewski
Chief Administrative Officer, Smoky Lake County
PO Box 310
Smoky Lake AB T0A 3C0

Dear Gene Sobolewski:

Subject: 2022/23 Alberta Community Partnership – Intermunicipal Collaboration Application

Thank you for your grant application under the Intermunicipal Collaboration component of the 2022/23 Alberta Community Partnership program.

The program received a significant number of applications for grant funding, which could not all be accommodated within program funding levels.

On behalf of the Minister, I regret to advise that the following application has been declined:

- Smoky Lake Regional Environmental & Agricultural Sensitivity Study – \$199,150

The ministry recognizes the cooperative efforts being taken throughout Alberta to build stronger communities. I look forward to working in partnership on other endeavours through our grant programs.

If you have any additional questions regarding your application, please contact Ryan Barber, Manager, Regional Grant Programs, toll-free by first dialing 310-0000, then 780-422-8755, or at acp.grants@gov.ab.ca.

Sincerely,



Brandy Cox
Deputy Minister

cc: Honourable Rebecca Schulz, Minister of Municipal Affairs