



BYLAW NO. 99-304

of the Municipal District of Greenview No. 16

A Bylaw of the Municipal District of Greenview No. 16, Province of Alberta, for the purpose of adopting the HIGHWAY 40 AREA STRUCTURE PLAN

WHEREAS an Area Structure Plan is required to regulate and control the use and development of land and buildings located on the North Half of Section One (N ½ 01), Township Sixty-Nine (69), Range Six (06), West of the Sixth Meridian (W6);

THEREFORE, PURSUANT TO Section 633 of the Municipal Government Act, being Chapter M-26.1, R.S.A. 1994 as amended, the Council of the Municipal District of Greenview No. 16, duly assembled, enacts as follows:

1. That the document attached hereto and forming part of this bylaw shall be adopted as the "Highway 40 Area Structure Plan".

This Bylaw shall come into force and effect upon the day of final passing.

Read a first time this 27th day of October, AD, 1999.

Read a second time this 12th day of January, AD, 2000.

Read a third time and finally passed this 12th day of January, AD, 2000.


REEVE


MUNICIPAL MANAGER

xc Glen Wabasca
xc Ken Moeck  Apr. 15/00

HIGHWAY 40 AREA STRUCTURE PLAN

**LOCATED ON NORTH HALF (N ½)
OF SECTION ONE (01), TOWNSHIP SIXTY-NINE (69), RANGE SIX (06),
WEST OF THE SIXTH (6TH) MERIDIAN**

MUNICIPAL DISTRICT OF GREENVIEW NO. 16

Dated this 14th Day of September, A.D., 1999

1.0 INTRODUCTION

The land that is the subject of this Area Structure Plan is described as Plan 882 2869, Lot 1 which at the time of its creation contained all of the Northeast of Section 1 and part of the Northwest of 01-69-06-W6 located east of Highway No. 40. At the time of the original title, the land contained 180.73 acres (73.14 hectares).

The land was undeveloped bush at the time of the title creation. This land is mostly level and is not considered to be better agricultural land. The land has NPR ratings of 5% and 6%, which by definition of the Municipal Development Plan of the M.D. of Greenview is not considered better agricultural land.

2.0 EXISTING DEVELOPMENT AND LAND USES

The developer has created a single parcel subdivision, Plan 962-0333, Lot A, which, as a first parcel out would retain Agriculture zoning. He has also received municipal approval to create three additional Country Residential One parcels of approximately 10 acres each. These three subdivision parcels have not yet been registered and endorsement of the linen will not take place until this Area Structure Plan has been approved by Alberta Infrastructure and Council of the M.D. of Greenview. The Developer resides on the balance of the parcel, which is currently designated as Agriculture under the Land Use Bylaw.

3.0 PROPOSED FUTURE DEVELOPMENT

The developer has received rezoning and subdivision approval for four Country Residential One lots. The proposed subdivisions have not yet been registered and their future development is reliant on the success of a proposed Rural Commercial venture in the form of a service station and related developments to be located on the balance of the land on which he resides. Rezoning of the area for the proposed service station has not yet been undertaken and is necessary prior to any future development taking place on the parcel. This development would be located to the north of the existing and proposed residential subdivisions and to the south of his residence (See attached Schedule B). In order to access the proposed Rural Commercial use and to improve access to his residential parcels, the Developer has proposed a second approach to Highway 40. There is no other titled land in the area of this proposed development and therefore future development on adjacent properties is not anticipated.

No further development of this quarter section would be allowed without an amendment to this Area Structure Plan. Any further development may trigger the need for a relocation of the existing approach to meet Alberta Infrastructure requirements for a half mile spacing for this kind of development.

4.0 INFRASTRUCTURE

4.1 TRANSPORTATION

The existing approach that is in place to the Developers' residential site is to remain in place. The Developer has indicated that he would like to develop a service road along the parcel frontage, which would provide access to the proposed Rural Commercial Development. The service road would extend to the south quarter section line where it would intersect with the proposed road needed to service the Country Residential lots.

At the time of development of the Rural Commercial property, Alberta Infrastructure may require the Developer to retain a professional engineering consultant to perform a Traffic Impact Assessment on both approaches to determine their ability to safely accommodate traffic generated by the Rural Commercial development. Any necessary improvements identified by the Traffic Impact Assessment would have to be approved by Alberta Infrastructure, and constructed by the Developer at the Developer's expense. All transportation infrastructure must meet the following standards:

- 1) Any access road and service roads must meet the requirements of Section 9.19 of the Land Use Bylaw (See attached Schedule A).
- 2) Any service road constructed within the area dedicated by caveat to Alberta Infrastructure must be approved by Alberta Infrastructure prior to construction and must be developed to Alberta Infrastructure standards. (See attached drawing Fig. C-8.2K from Alberta Infrastructure.)
- 3) The second approach to Highway 40, proposed to be located at the south property line of the quarter must receive prior approval of Alberta Infrastructure before construction. (See attached Schedule B). The second approach will only be allowed subject to the provisions of Section 5 Sequence of Development of the Area Structure Plan
- 4) Construction of the second approach to Highway 40 must meet the standards of Alberta Infrastructure.
- 5) The construction of the approach is at the sole cost of the developer and no expense shall incur to Alberta Infrastructure or M.D. 16.
- 6) Alberta Infrastructure has indicated that acceleration and deceleration lanes are not needed to accommodate the Country Residential development. The M.D. of Greenview and Alberta Infrastructure reserve the right to require the developer to install, at the developers sole cost, the above mentioned facilities at the time of development of the Rural Commercial Use.
- 7) Approaches must be installed by the developer to all country residential lots and to the Rural Commercial Development. These approaches must meet the provisions of Section 9.19 of the Land Use Bylaw for the M.D. (See attached Schedule A).
- 8) The developer shall provide a turnaround area at the end of the access road which serves the Country Residential Development. This turnaround will provide a minimum 20 meter turning radius. The design and specification for this turnaround area are subject to the approval of the Superintendent of Public Works for the M.D.

4.2 SERVICES

SEWAGE DISPOSAL

Sewage disposal systems installed on the country residential lots or on the proposed Rural Commercial Development must conform to the requirements of the Mistahia Health Unit, Alberta Labour and the Land Use Bylaw of the M.D.

WATER

Water supplies will be the responsibility of the developer or the subsequent owners. It is anticipated that individual wells will be able to service the needs of the proposed developments.

UTILITIES

All developments can be serviced by individual gas, power, and phone services, in accordance with the standards and requirements of the utility providers.

5.0 SEQUENCE OF DEVELOPMENT

It is anticipated that the development of the Country Residential parcels will take place before the Rural Commercial Development takes place. The following sequence of development is anticipated:

- 1) The proposed road to service the lots shown as A, B, C, and D (See attached Schedule B) will need to be developed prior to the registration of the titles for those respective subdivisions. If registration of the titles for the subdivisions is desired prior to the construction of the roads, the developer will be required to post security in accordance with the provisions of Section 9.21.1 of the Land Use Bylaw (see attached Schedule C).
- 2) It is anticipated that a service road is to be developed for the Rural Commercial use. Only one access point will be allowed to Highway 40 prior to the approval of all zoning and development requirements respecting the Rural Commercial use. The access to the Country Residential uses must use the existing access point to Highway 40 and then access the Country Residential subdivisions along the service road built on the area of the caveat to Alberta Infrastructure for a service road.
- 3) The Rural Commercial Development will only be permitted upon approval of all requirements for Land Use Amendment (rezoning) and Development Permit approval from the M.D. of Greenview, a Roadside Development Permit from Alberta Infrastructure, as well as any other regulatory approvals required.
- 4) The second approach to Highway 40 will not be allowed to be developed until all approvals respecting the Rural Commercial Development are obtained from the M.D. of Greenview.
- 5) Nothing in this Area Structure Plan shall be construed or taken as any kind of approval of proposed development plans, rezoning, or development permits, respecting the Rural Commercial Development or in respect to the second access point to Highway 40.

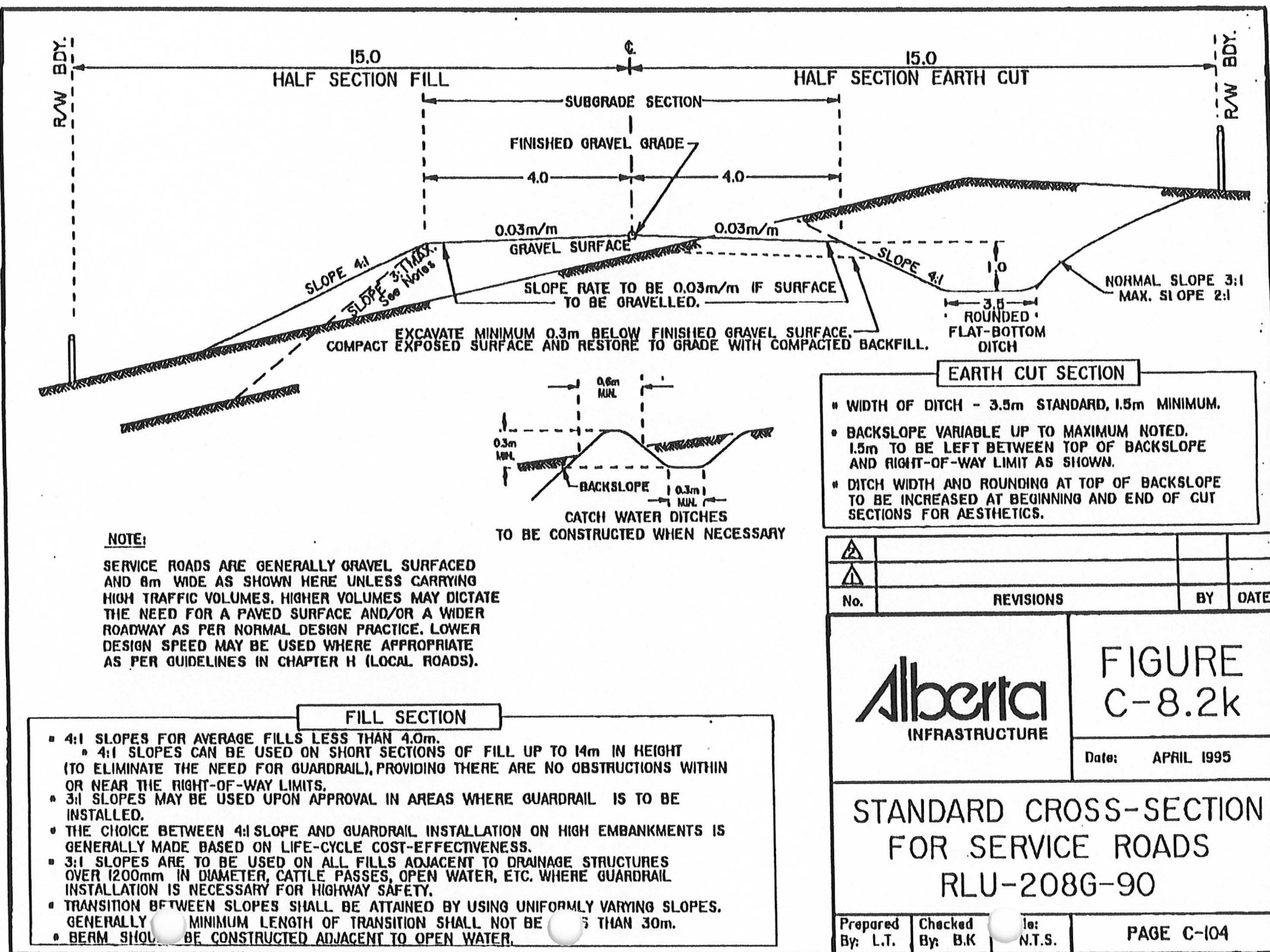
6.0 IMPLEMENTATION

Implementation of this Area Structure Plan will take place upon the following conditions:

1. A letter of approval accepting this Area Structure Plan must be received from Alberta Infrastructure and will be attached to the Plan as Schedule "D".
2. This Area Structure Plan must be adopted by Bylaw of the M.D. of Greenview Council.
3. A public hearing must be held respecting the adoption of this Plan or any amendments to this Plan which are not of a technical nature.
4. After first reading of a Bylaw to approve this Area Structure Plan, the Plan will be forwarded to the Minister of Alberta Infrastructure for approval.

f:\w\s\area structure plan - glen wabasca

FIG. C-8.2k



9.18.2 Dugouts located within the required setback distances in 9.19.1 above, must meet the following requirements:

- a) Must apply for a Development Permit;
- b) Must provide adequate fencing, guardrails, and / or berming to the satisfaction of the Approving Authority. Such berming, fencing, or guardrails must be constructed so as to prevent the dugout location from being a hazard to the travelling public. The size, type, and location of the berming, fencing, or guardrails required will be site specific and will be determined at the time of an application. Such applications will be referred to the Superintendent of Public Works for input as to required design standards.

9.19 SUBDIVISION AND DEVELOPMENT STANDARDS

9.19.1 APPROACH AND ACCESS STANDARDS

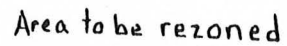
Minimum standards are required to ensure the safety of the travelling public who are using Municipal District roads, as well as for the safety of the applicant. Adequate room must be allowed for the access of public service vehicles, such as school busses, ambulances, fire trucks and graders, as well as occasional larger vehicles such as farm trucks. Approaches must also be designed to be as safe as possible in the event that a vehicle leaves the driving surface and encounters an approach:

- a) All approaches to a Municipal District road must be built at a location and to a standard acceptable to the Superintendent of Public Works for the Municipal District. An application for approach approval form (Road Request Form) must be completed and approved by the Municipal District of Greenview. The minimum standards for a residential approach are as follows. See *Appendix C: Subdivision Approach Standards*:
 - i) The approach must have a minimum seven (7) meter top at any point where it is within the right of way of the Municipal District of Greenview road allowance,
 - ii) The side slopes of the approach must have a gradient of no less a ratio than 4:1 (four feet horizontal run to one foot vertical rise or drop),
 - iii) A culvert must be installed in every approach unless this requirement is waived by the Superintendent of Public Works. The minimum standard culvert diameter will be 500 mm, unless this requirement is relaxed by the Superintendent of Public Works,
 - iv) The gradient of any approach to a district road must not exceed 2%,
 - v) Notwithstanding i) to iv) above, the Superintendent of Public Works can impose more stringent conditions than those above, if circumstances warrant the standards. A letter of explanation will be included when these standards are required to be increased,

- vi) Approaches that are within the right of way of a Primary Highway (or within the distances specified in the Highway Development Act) must apply for approach approval to Alberta Transportation and Utilities, and must meet the standards specified by the Department;
- b) Internal subdivision roads must be constructed to the satisfaction of the Superintendent of Public Works. The following standards are included for reference purposes. The Superintendent of Public Works may impose a higher standard than those listed below if the need for such a standard can be demonstrated. Construction of internal subdivision roads must meet the standards of the Superintendent of Public Works before any security deposit will be returned:
 - i) Must have a roadway top width of 7 meters,
 - ii) Must have an elevation above the initial grade of no less than one (1) meter,
 - iii) All road subgrades shall be compacted to a minimum of 98% of standard Procter Density,
 - iv) Drainage requirements:
 - All ditches must have positive drainage established, i.e.: water must not remain in standing pools within road ditches,
 - The Municipal District will not assume responsibility for any roadway which does not have positive drainage,
 - The Superintendent of Public Works may require a drainage study or a survey plan of the proposed, or as built roadway to ensure that positive drainage is in place,
 - The developer will provide any easement necessary for drainage ways,
 - The developer is responsible for drainage not only within the development area, but also for drainage onto adjacent properties affected by the development,
 - All ditch sideslopes must be of a ratio no greater than 3:1,
 - All ditch bottoms are to be flat bottomed, with a minimum width of three (3) meters,
 - v) An approach must be installed to each subdivided lot. This approach be installed at the time of internal road construction and must be completed to the satisfaction of the Superintendent of Public Works before any security deposit will be returned:
 - Approaches to each lot are the responsibility of the developer,
 - Approaches must have a minimum seven (7) meter top and side slopes must be no greater a ratio than 3:1,
 - Culverts must be installed with a minimum 500 mm. diameter with a minimum of 250 mm. Cover,
 - Approaches from a lot to an internal subdivision road must have no greater than two percent (2%),

- vi) Topsoil salvage and re-seeding:
 - Prior to construction of any roadways or approaches, all topsoil must be salvaged and placed in stockpiles,
 - Upon completion of the required roadways and approaches, the salvaged topsoil must be re-spread evenly in the road ditches and sideslopes of roads and approaches,
 - These areas must then be re-seeded to a grass seed using a minimum standard of Certified #1 seed,
 - A Purity Analysis for the seed to be used must be presented to, and approved by the Agricultural Fieldman for the Municipal District of Greenview, to ensure the seed used is free of noxious weeds,
- vii) The Municipal District of Greenview will assume ownership and responsibility for the maintenance of internal subdivision roads, two (2) years after the developer has received written notification of the roadway having been constructed to the satisfaction of the Superintendent of Public Works. The developer will, during this two (2) year period, be responsible for correcting any deficiencies that may arise in the road. Further, the developer will be responsible for snow removal and road surface grading and gravelling,
- viii) The developer is responsible for applying gravel to newly constructed road surfaces and approaches. The gravel application must meet the following standards:
 - Gravel must be applied at a rate of 300 cubic meters per kilometer on the first lift, after approval of the road construction is granted by the Superintendent of Public Works.

A second lift of gravel must be applied prior to the Municipal District assuming responsibility for the roadway at a rate of 250 cubic meters per kilometer. Gravel applied must meet the specifications of the Superintendent of Public Works.



NOTE

Area to be submitted shown bounded thus

9.20.6 Municipal Sewage Systems: Any residence that is located where a Municipal Sewage system is available, must hook into the Municipal system. Municipal systems are located in all of the Municipal District of Greenview hamlets, and may be available in certain Country Residential developments. Any hookup to a municipal system must be approved by the Superintendent of Public Works, and must be installed to acceptable standards. The costs of hooking into an existing Municipal Sewer line are to be borne by the developer;

9.20.7 Sturgeon Lake Area Structure Plan: All residences located in the area covered by the Sturgeon Lake Area Structure Plan, and which are located on a parcel less than ten (10) acres are required to install sealed holding tanks. These tanks, when full, are to be emptied by a vacuum truck and the contents are to be disposed of at an approved sewage lagoon such as the one located at Sturgeon Heights Landfill Site (located at NW 13-70-25-W5).

9.21 SECURITY DEPOSITS

Security deposits are required to ensure the approved conditions of a subdivision and the subsequent Developer's Agreement are carried out. This is required to ensure that the development does not impose a hazard, nuisance or inconvenience to members of the public. As an example, a poorly constructed approach can be a definite hazard to traffic entering or leaving a site, or to vehicles travelling on the adjacent roadway in the case of an accident. Incorrect or inadequately designed infrastructure can be a liability to the Municipal District when it is assumed by the Municipal District.

9.21.1 SUBDIVISIONS: The following policies will apply to security deposits in respect to subdivisions:

- a) Security deposits may be required to be provided whenever a developer wishes to endorse the linen prior to meeting all the provisions of a subdivision approval and / or a Developer's Agreement with respect to that subdivision;
- b) Security deposits may be required with respect to the construction of any required roads, approaches, water and sewer services or other services;
- c) Security deposits, when taken, shall be in an amount adequate to ensure that the Municipal District will be able to complete the required works, should the developer fail to meet the requirements of the Developer's Agreement;

- d) The Municipal District may require the developer to obtain and submit to the Municipal District, three (3) bid prices from companies or persons qualified to carry out the work. These bid prices will be used to establish the amount of security which needs to be provided. The Municipal District is not bound to accept the lowest price;
- e) The Municipal District may register a caveat against the title of all affected properties for which a Developer's Agreement is entered into;
- f) The Municipal District will not discharge the caveat registered in e) above, until all of the provisions of the Developer's Agreement have been fulfilled;
- g) Security deposits will in the form of:
 - i) Cash,
 - ii) Certified cheque payable to the Municipal District of Greenview,
 - iii) Non redeemable letter of credit payable to the Municipal District of Greenview;
- h) The Municipal District will return any portion of the security deposit not required to complete the terms of the Developer's Agreement, less a five (5) percent administrative fee.

9.21.2 DEVELOPMENT PERMITS: The following policies will apply with respect to security deposits relating to Development Permits:

- a) Security deposits may be required with respect to the construction of any required roads, approaches, water and sewer services, or other services;
- b) Security deposits, when taken, shall be in an amount adequate to ensure that the Municipal District will be able to complete the required works, should the developer fail to meet the requirements of the Developer's Agreement;
- c) The Municipal District may require the developer to obtain and submit to the Municipal District three (3) bid prices from companies or persons qualified to carry out the work. These bid prices will be used to establish the amount of security which needs to be provided. The Municipal District is not bound to accept the lowest bid price;
- d) The Municipal District may register a caveat against the title of all affected properties for which a Developer's Agreement is entered into;
- e) The Municipal District will not discharge the caveat registered in d) above, until all of the provisions of the Developer's Agreement have been fulfilled;

- f) Security deposits will be in the form of:
 - i) Cash,
 - ii) Certified cheque payable to the Municipal District of Greenview,
 - iv) Non redeemable letter of credit payable to the Municipal District of Greenview;
- g) The Municipal District will only use the security deposit for the purposes outlined in the Developer's Agreement, and upon default of the terms of the Developer's Agreement;
- h) The Municipal District will return any portion of the security deposit not required to complete the terms of the Developer's Agreement, less a five (5) percent administrative fee.

9.22 DWELLING UNITS PER LOT

One dwelling unit will be allowed on any lot which has a suitable building site and which can be adequately serviced. In addition, all lots must have both physical and legal access. Additional dwelling units will only be allowed in accordance with the following provisions:

- a) Parcels greater than 80 acres in size will be allowed a second residence;
- b) More than two (2) residences may be allowed on an agricultural parcel greater than 80 acres in size. Additional residences may be allowed if they are required to house farm labour or partners, or for compassionate reasons as outlined in c) below;
- c) A second residence may be allowed on any residential lot for compassionate reasons (so called Garden Suites or Granny Flats). Compassionate reasons may include the need to care for aging relatives, or for persons with temporary or permanent disabilities. Proof of the nature of any disabilities may be required at the discretion of the Approving Authority. Such a second residence may be allowed, subject to the following provisions:
 - i) The lot must be able to accommodate the second residence by way of:
 - Meeting setback requirements,
 - Must be properly serviced,
 - ii) The second residence must be a portable unit, such as a mobile home, or must be placed on skids, to accommodate its removal upon the cessation of the original need for the second residence,
 - iii) Applicants for a garden suite will be required to enter into a Developer's Agreement with the Municipal District outlining the terms and conditions of the approval,

Rm 2301 - 10320 99 St
GRANDE PRAIRIE AB T8V 6J4
Phone: (780) 538-5310
Fax: (780) 538-5384

Our Ref: 98GV23ASP
November 24, 1999

Municipal District of Greenview No. 16
PO Box 1079
Valleyview, AB T0H 3N0

Attention: Sally Ann Rosson
Development Officer

**RE: HIGHWAY 40 AREA STRUCTURE PLAN
N ½ 1-69-6-W6M
GLENN AND DONNA WABASCA
M.D. OF GREENVIEW NO. 16**

The latest version of the above area structure plan, dated September 14, 1999 and received in our office November 24, 1999, appears to satisfy all of Alberta Infrastructure's concerns regarding highway safety and intersectional and service road development for the N ½ 1-69-6-W6M.

Additionally, extent of development and phasing has been addressed to the Department's satisfaction. Therefore, it would be in order to finalize the Highway 40 Area Structure Plan and submit it for the Minister's endorsement.

Yours truly,



M. Kenneth Misik
Technical Office Coordinator

MKM/ch

cc: Glen Tjostheim

Office of the
Assistant Deputy Minister
Transportation and Civil Engineering

2nd Floor, 4999 – 98 Avenue
Edmonton AB T6B 2X3
Phone: (780) 427-6912
Fax: (780) 422-6515

January 5, 2000

Mr. Tony Yelenik, Reeve
Municipal District of Greenview No. 16
Box 1079
Valleyview AB T0H 3N0

Dear Mr. Yelenik:


The department has reviewed the Highway 40 Area Structure Plan (ASP) located adjacent to Highway 40 south of Grande Prairie. The ASP meets the department's requirements and is approved to meet the requirements of Section 14 of the Subdivision and Development Regulation.

Please forward a copy of the ASP once it has received third reading and the approval of the council of the Municipal District of Greenview to our Operations Manager in Grande Prairie, Geoff Dunn at the following address:

Alberta Infrastructure
2301 Provincial Bldg.
10320 – 99 Street
Grande Prairie AB T8V 6J4

The department supports continued co-operation on planning matters between the Municipal District of Greenview and Alberta Infrastructure.

Sincerely,


Jay Ramotar, P.Eng.
Assistant Deputy Minister
Transportation and Civil Engineering

cc: Geoff Dunn

M.D.

Phone: (780) 427-691
Fax: (780) 422-651

JAN 11 2000

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