# Bylaw #

# Rocky View County and Kneehill County Intermunicipal Development Plan







Revised September 12, 2019

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# I. INTRODUCTION

# PURPOSE OF THE PLAN

The purpose of the Kneehill County and Rocky View County Intermunicipal Development Plan (IDP) is to foster a collaborative planning approach for lands along the common border between the two counties (See Map 1). The Municipal Government Act (MGA) mandates municipalities that share a common boundary to develop an Intermunicipal Development Plan.

Municipalities across the Province of Alberta are experiencing unprecedented growth. Local economies based on oil and gas, agriculture and business are thriving, attracting people to live and work in Alberta. More so, rural and regional communities are encountering development pressures. Shared borders can present potential conflicts if land uses and/or activities are incompatible. When municipalities work in isolation, the land use occurring on one side of the boundary can significantly impact adjacent land uses on the other.

Municipalities are mandated to work together to adopt IDPs to:

- promote consultation, coordination and cooperation regarding planning matters of joint interest within a defined planning area;
- provide a framework for addressing land use concerns with regard to joint planning matters;
- establish procedure for dealing with development proposals within a defined planning area; and
- address any other matters relating to development considered necessary within a joint planning area.

An IDP is a planning tool that can provide numerous benefits to participating municipalities, which may include, but are not limited to the following:

- reinforcing and protecting both municipalities' development philosophies and goals while mitigating the potential for future intermunicipal conflict;
- municipal cost-savings, as a result of infrastructure and service sharing, which also provides residents with a higher quality of life; and
- ensuring development for both municipalities occurs in an orderly, economic, efficient and harmonious manner that is sustainable by considering existing development conditions and future municipal goals.



The Plan contains policy that is to be used as a framework for working cooperatively, communicating and making decisions in each municipality. As such, the IDP must also provide for the following:

- Dispute resolution procedures;
- A process to amend or repeal the Plan; and
- Documentation for administration of the Plan.

These procedures will provide more clarity between the partnering municipalities to ensure the administrative functions required through the Plan are understood. Each municipality is ultimately responsible for making decisions within their own municipal jurisdiction.

# **II. MUNICIPAL PROFILES**

# **ROCKY VIEW COUNTY**

Rocky View County is a municipality located in southern Alberta. With clear views to the Rocky Mountains to the west, it is a desirable location to live. Rocky View County is the most populous municipal district in Alberta, with a population of 39,407. It surrounds most of the City of Calgary and is home to 13 hamlets.

## **KNEEHILL COUNTY**

Kneehill County is located in south-central Alberta, situated between Red Deer County to the north, Mountain View County to the west, and Starland County to the east. The majority of the land is zoned for agricultural uses, allowing the population of 5,001 to enjoy a rural way of life. Oil and gas is the second major industry in the region. The eastern border of Kneehill County runs along the Red Deer River valley down to the heart of the Canadian Badlands, making tourism a viable market opportunity.

# **III. LEGISLATIVE REQUIREMENTS**

The IDP was prepared in accordance with the requirements of Sections 631, 636 and 638.1 of the Municipal Government Act (MGA). These sections mandate that an IDP between neighbouring municipalities must be adopted, and that the document address the following items:

- Future land use;
- Future development;
- The provision of transportation systems;
- Financing infrastructure;
- Co-ordination of physical, social, and economic programs;
- Environmental matters; and
- Provision of services.

#### South Saskatchewan Regional Plan (SSRP)

The South Saskatchewan Regional Plan establishes a long-term vision for the South Saskatchewan Region and aligns provincial policies at the regional level to balance Alberta's economic, environmental and social goals. The regional plan also includes strategies for responsible energy development, sustainable farming and ranching, recreation, forest management, and nature-based tourism. It has been established under the Alberta Land Stewardship Act, and the Land Use Framework. Rocky View County falls within the SSRP area boundaries, and since, pursuant to the Alberta Land Stewardship Act, a regional plan is "an expression of the public policy of the Government of Alberta", Rocky View County is required to comply with the regulations of this plan.

#### Calgary Metropolitan Regional Board (CMRB)

The Calgary Metropolitan Regional Board was established to promote sustainable and environmentally responsible land-use planning and the coordination of regional infrastructure and services in an economically competitive manner. To this end, the CMRB has adopted a *Growth Plan* to address matters concerning regional planning and development. The Board requires that any statutory plan adopted by a member municipality satisfy the *Growth Plan*. While Rocky View County is a member municipality within the CMRB and is therefore subject to the requirements of this plan, Kneehill County is not. Regardless, Kneehill County and Rocky View County IDP has been drafted in consideration of the principles of the regional plan.

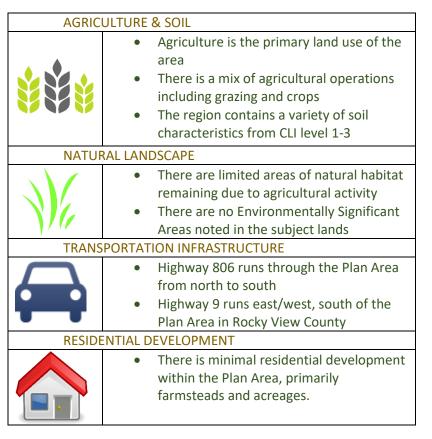


# IV. PLAN AREA

# PLAN AREA CHARACTERISTICS

The Plan Area consists of an area approximately 1.6 km (1 mile) on either side of the shared municipal border. This Plan Area includes approximately 34 sections of land or 8806 hectares (21,760 acres) and is illustrated on Map 2

Key characteristics of the Plan Area include the following:



#### ENERGY

- There are numerous well sites and pipelines within the Plan Area

# LAND USE DESIGNATIONS

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The existing land use designations are determined by each county's land use bylaw and are predominantly agricultural.

# V. INTERMUNICIPAL LAND USE POLICIES

The land use policies contained in this Plan are intended to provide direction to Rocky View County and Kneehill County administration, subdivision and development authorities and Councils to encourage and manage the future development of lands contained within the Plan Area.

## **GENERAL LAND USE POLICIES**

#### INTENT

The general land use policies address matters that apply to the entire Plan Area and are intended to provide an overall guiding direction for the IDP. Each municipality will still maintain complete jurisdiction on lands within their own boundaries.

#### POLICIES

- The primary land use in the Plan Area is predominantly agriculture and grazing. Non-agricultural uses should be aligned with each municipality's municipal development plan and should consider interface or transition tools such as fencing, controlled access and site design, environmental stewardship, and environmental education.
- 2. The municipalities, as per this Plan, shall strive to engage in effective dialogue when considering land use in the Plan Area while still maintaining complete jurisdiction on lands within their own boundaries.
- 3. The municipalities may collaborate and investigate methods of giving support to projects that may mutually benefit or enhance the quality of life of residents from both municipalities. This could be in the form of in-kind donations, materials, municipal letters of support, unified government lobbying, application for grants, or other more permanent arrangements upon mutual agreement.
- 4. Both municipalities agree to jointly discuss ways to cooperate with provincial and federal agencies and utility providers to help facilitate the efficient delivery of infrastructure and services that are of a mutual benefit.

## REFERRALS

#### INTENT

In order to ensure that the municipalities are aware of potential developments within the Plan Area, notification and communication is required. The following policies establish a referral process where each municipality can provide comments regarding proposed changes.

#### **POLICIES**

- Where required by the MGA, the relevant Land Use Bylaw and any statutory plans, or the policies of this plan, applications affecting lands within the Plan Area shall be referred to:
  - a. the adjacent municipality; and
  - b. landowners within the adjacent municipality.
- 2. Where required by the MGA, a relevant statutory plan or land use bylaw, or the policies of this Plan, applications located outside of the Plan Area may be referred to the adjacent municipality.
- 3. The municipality in receipt of referral of an application within the adjacent municipality should consider potential impact to the following:
  - a. Municipal roadways
  - b. Utilities
  - c. Stormwater and drainage
  - d. Adjacent land use
  - e. Environmental matters
  - f. Other matters
- 4. Where required by the MGA or the policies of this Plan, both municipalities agree to provide the contact information necessary to refer application information to residents of the adjacent municipality.

### AGRICULTURE

#### INTENT

Agriculture and grazing will continue to be the primary land use in the Plan Area, and non-agricultural uses should be considered only in such areas where they will not negatively impact agriculture and grazing.

#### **POLICIES**

- 1. Agriculture and grazing are the primary use in the Plan Area.
- 2. Both municipalities will strive to work cooperatively to encourage good neighbour farming practices, such as dust, weed and insect control, adjacent to developed areas through best management practices and Alberta Agriculture guidelines.
- 3. If disputes or complaints in either municipality should arise between ratepayers and agricultural operators, the municipality receiving the complaint shall strive to direct the affected parties to the appropriate agency, government department or municipality for consultation or resolution wherever necessary.



# RESOURCE EXTRACTION & RENEWABLE ENERGY DEVELOPMENT

#### INTENT

Resource extraction is recognized as important to the local economy and to the maintenance of transportation routes and other infrastructure. However, impacts from resource extraction operations may affect nearby lands and must be addressed through proper siting and operation practices.

#### **POLICIES**

- 1. Applications for a new or expanded aggregate extraction operation within the Plan Area shall be referred to the adjacent municipality.
- 2. Applications for a new or expanded aggregate extraction operation that proposes the use of roadways within the jurisdiction of the adjacent municipality shall be referred to the adjacent municipality. Either municipality may require an agreement regarding the construction, repair, and maintenance of any municipal roads which may be impacted by natural resource extraction development, when the development requires access to come from the other municipality's road.
- 3. Necessary agreements will be required prior to an application being 'deemed complete'.



- Applications for a new or expanded renewable energy development within the Plan Area shall be referred to the adjacent municipality. Examples include, but are not limited to; solar power facilities, wind farms, and hydro-electric facilities
- 5. Applications for new or

expanded telecommunications towers within the Plan Area shall be referred to the adjacent municipality. Applicants shall be requested to co-locate telecommunications facilities on existing towers where feasible.

## **ENVIRONMENTAL & OPEN SPACE POLICIES**

#### INTENT

Environmental features do not follow pre-defined boundaries, and

impacts to natural areas within one municipality can have an effect on the other side of the border. This section aims to ensure that natural areas are respected, and allows for opportunities to enhance these features where appropriate.



#### POLICIES

1. Applications affecting wetlands and/or riparian areas located within the Plan Area shall be circulated to the adjacent municipality.

- 2. Applications affecting wetlands and/or riparian areas located within the Plan Area should be assessed in accordance with the environmental policies of the relevant plans for the municipality in which it was received.
- 3. The municipalities will encourage the preservation of environmentally significant areas within the Plan Area.
- 4. Development on slopes and river valleys within natural areas is generally discouraged. However, where development is proposed on these natural features, it will proceed only in accordance with the respective municipality's statutory plans, applicable bylaws, and other municipal policies and regulations.
- 5. Either municipality shall refer to the other municipality any new or amended municipal bylaw or policy pertaining to environmental or biophysical matters within the Plan Area.
- 6. The municipalities support the alignment and connection of open space pathways in the defined plan area.

### TRANSPORTATION

#### INTENT

It is important that each municipality take into consideration the impact of development on municipal roads located within the Plan Area that for the area's transportation infrastructure.

#### **POLICIES**

 Each municipality shall be notified of any subdivision or development proposal in the other municipality that will result in access being required from a road under its control or management. The affected municipality may request to obtain any associated traffic studies and must give its' comments in writing within the notification period. If comments are not received within the notification period, it will be determined the municipality has no concerns.

- 2. Each municipality shall be notified of any road closure or development of an undeveloped road that will result in the potential for access to be increased, decreased or removed for a road under the control or management of the adjacent municipality. The affected municipality may request to obtain any associated traffic studies and must give its comments in writing within the notification period. If comments are not received within the notification period, it will be determined the municipality has no concerns.
- 3. Either municipality may require a developer to enter into a road use agreement to control traffic, manage dust control or maintenance issues if access to the development is required from a road under its' control or jurisdiction.
- 4. The road network shall be maintained by the municipality having jurisdiction, unless a separate agreement specifies joint maintenance, maintenance swap, or any other terms acceptable to both municipalities.



# VI. PLAN ADMINISTRATION & IMPLEMENTATION

The administration and implementation of this Plan is intended to be an ongoing process to ensure it is maintained and remains applicable. This will assist Rocky View County and Kneehill County administrations, subdivision and development authorities and Councils with the initial and ongoing execution of this Plan over its lifespan.

### Intermunicipal Committee

#### INTENT

The implementation of this Plan is intended to be an ongoing process to ensure it is maintained and remains applicable. A committee with joint representation will ensure continued dialogue and cooperation, as the purpose of this committee is to promote active cooperation and conflict resolution through a consensus-based approach.

#### **POLICIES**

- For the purposes of administering monitoring of the IDP, Rocky View County and Kneehill County will establish the Intermunicipal Committee (the Committee) as defined in accordance with the Intermunicipal Collaboration Framework.
- 2. Meetings of the Committee shall be held on an "as needed basis", or at the request of either municipality. Committee meetings should be held as soon as possible if any conflict arises, or if any matter is brought before it.

- 3. The municipality that called the meeting of the Committee shall host and chair the meeting and is responsible for preparing and distributing agendas and minutes.
- 4. Both Councils agree the Committee is not a decision making body and that the Committee shall issue a written response in the form of comments and/or recommendations to the appropriate decision making body.

## FUNCTIONS OF THE COMMITTEE

#### INTENT

Both municipalities agree that the main functions of the Committee are the following:

- 1. Create a forum for dialogue on issues of common interest and concern;
- 2. Address concerns regarding the policies of the Plan;
- 3. Address proposed amendments to the Plan;
- Engage in resolving any conflicts or disputes which arise from this Plan – both municipalities will equally share costs associated with using outside assistance to resolve a dispute; and
- 5. Address any other land use issues deemed appropriate, but which are not explicitly identified in the Plan.

## ADOPTION, AMENDMENT, & REPEAL PROCESS

#### INTENT

This section acknowledges the adoption of the plan, and provides requirements for ongoing monitoring. Additionally, the policies recognize that periodic amendments may be required.

#### **POLICIES**

- 1. The policies of this Plan apply to the lands located within the Plan Area.
- 2. This plan comes into effect following adoption by the respective Councils of Rocky View County and Kneehill County.
- 3. The municipalities agree to comply with the adopted relevant regional plan strategies.
- 4. Rocky View County is a member municipality in the Calgary Metropolitan Regional Board (CMRB), and is therefore subject to the requirements of the CMRB and the Interim Regional Growth Plan (IGP). Participation with Rocky View County in the adoption of this IDP does not subject Kneehill County to the requirements of the CMRB and the IGP.
- 5. Amendments to the IDP shall receive direction from both Councils prior to proceeding and shall be jointly prepared by both administrations.
- 6. Amendments to the Plan shall not come into force until they are adopted by the Councils of both municipalities, in accordance with the requirements of the MGA.
- 7. A Bylaw to repeal this IDP may be considered by both Councils if:
  - a. The repealing Bylaw considers a new IDP, or
  - b. If the repealing Bylaw complies with Provincial legislation.

## **DISPUTE RESOLUTION**

#### INTENT

This plan is designed to facilitate communication and cooperation among the municipalities. While understanding that each municipality has the right to make decisions within their boundaries, it is acknowledged that these decisions can have an impact beyond their borders.

#### **POLICIES**

In order to ensure that the relationship between the two municipal neighbours remains strong, Kneehill County and Rocky View County agree to the following:

- 1. The municipalities respect the right to maintain jurisdiction over decisions made within their boundaries.
- 2. The municipalities understand the potential for those decisions to impact the adjacent municipality.
- The municipalities understand the importance of notification and communication with the adjacent municipality in order to ensure that potential concerns are addressed.

#### PROCESS

- It is the desire of both municipalities to promote public confidence in the leadership of both municipalities by encouraging intermunicipal cooperation and self-directed dispute resolution processes.
- 2. Should either municipality identify a potential concern related to an application referral provided through the policies of this plan, written notification shall be provided at the administration level.
- 3. Rocky View County and Kneehill County have a mutual commitment to resolve any disputes brought forward and shall make a good faith attempt at resolving perceived disputes prior to mediation.

- 4. Prior to any meeting to discuss a potential dispute, each municipality through its administration, will ensure the facts of the issue have been investigated and clarified, and information is made available to both parties.
- 5. Any matter of Intermunicipal concern between the municipalities shall first be informally discussed by relevant administrative officials employed by Rocky View County and Kneehill County, culminating with discussions between the Chief Administrative Officers with the goal of resolving the concern.
- 6. Should the Chief Administrative Officers fail to resolve the dispute, the dispute will be referred to the Committee.
- The Committee will convene to consider and attempt to resolve the dispute by consensus. In the event a resolution in not achieved by the 30<sup>th</sup> day following the first meeting of the Committee, either municipality may refer the dispute to mediation.
- 8. The formal dispute resolution process may only be initiated by either County Councils.
- 9. The services of a mutually agreed upon Mediator will be retained, with the mediator to present a written recommendation to both Councils. The costs of mediation shall be shared equally between both municipalities.
- Should a dispute involve an application subject to Section 690(1) of the MGA, the municipalities may submit an appeal to the Municipal Government Board within 30 days of adoption in order to maintain the right to appeal.
- 11. Notwithstanding the above, the appeal may be withdrawn prior to the Municipal Government Board hearing should an agreement be reached to the satisfaction of the municipalities.

12. If the matter of Intermunicipal concern is not resolved through third party mediation, either municipal Committee may recommend to their respective Council to pursue arbitration.



# **VII. DEFINITIONS**

Adjacent Land(s): Land that abuts or is contiguous to the parcel of land that is being described and includes land that would be contiguous if not for a highway, road, lane, walkway, watercourse, utility lot, pipeline right-of-way, power line, railway or similar feature and any other land identified in the land use bylaw as adjacent for the purpose of notifications under the *Municipal Government Act, Revised Statues of Alberta 2000, M-26* with amendments.

**Agricultural Areas:** means lands within the Plan Area that are not located within the boundaries of a statutory plan (such as an area structure plan, conceptual scheme, or master site development plan).

**Agricultural Operation:** If not defined in the municipality's Land Use Bylaw, it is an agricultural activity conducted on agricultural land for gain or reward or in the hope of expectation of gain or reward, and can include, but is not limited to:

- a. the cultivation of land;
- b. the raising of livestock, including game-production animals within the meaning of the *"Livestock Industry Diversification Act"* and poultry;
- c. the raising of fur-bearing animals, pheasants or fish;
- d. the production of agricultural field crops;
- e. the production of fruit, vegetables, sod, trees, shrubs and other specialty horticultural crops;
- f. the production of eggs and milk;
- g. the production of honey (apiaries);
- h. the operation of agricultural machinery and equipment, including irrigation pumps on site;
- the application of fertilizers, insecticides, pesticides, fungicides, and herbicides, including application by ground and aerial spraying, for agricultural purposes;
- j. the collection, transportation, storage, application, use transfer and disposal of manure;
- k. the abandonment and reclamation of confined feeding operations and manure storage facilities.
- I. does not include cannabis cultivation production for either medical or recreational use.

**Alberta Land Stewardship Act (ALSA):** The Alberta Land Stewardship Act Statues of Alberta, 2009 Chapter A-26.8, as amended.

**Arbitration:** A process to resolve disputes outside the courts. An arbitration decision is legally binding on both sides and enforceable in the courts.

**Area Structure Plan (ASP)**: A statutory plan in accordance with the Municipal Government Act (MGA) for the purpose of providing a

framework for subsequent subdivision and development of an area of land in a municipality. The Plan typically provides a design that integrates land uses with the requirements for suitable parcel densities, transportation patterns (roads), stormwater drainage, fire protection and other utilities across the entire Plan Area.

**Conservation Easement:** A voluntary agreement between a landowner and a conservation organization or government agency. The intent of the Conservation Easement is to protect the ecological, scenic, and or agricultural values of the land. The agreement is placed on title, and the landowner continues using the land subject to the specific restrictions in the easement.

**Council(s):** The Council of Kneehill County and the Council of the Rocky View County in the Province of Alberta.

**Development:** As defined by the *Municipal Government Act* in Part 17, section 616, means

- a) an excavation or stockpile and the creation of either of them;
- b) a building or an addition to or replacement or repair of a building and the construction or placing of any of them on, in, over or under land;
- 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
- a change in the intensity of the 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.

**Discretionary Use:** The use of land or a building in a land use district for which a development permit may be approved at the discretion of the Development Authority with or without conditions.

**Dispute Resolution Process:** Includes a wide range of processes, including mediation and arbitration or various forms of, with each being an alternative to litigation, designed to meet the unique needs of the parties involved or the dispute at hand.

**Environmental Reserve:** Regulated through the *Municipal Government Act (MGA)*, it is the transference of land from the landowner to the municipality through the subdivision process. The lands can consist of water bodies, steep slopes, gullies, or drainage courses, and would be required to remain in its natural state.

**Environmental Reserve Easement:** Similar to an Environmental Reserve, the ERE however allows the title to remain under the landowner, instead of with the Municipality. Similar restrictions apply with an easement, such that the land would be left in its natural state.

**Environmentally Significant Areas (ESA):** Meaning as defined in each subject Land Use Bylaw.

**Extensive Agriculture:** The general raising of crops and grazing of livestock in a non-intensive nature.

Intermunicipal Border: The shared border between Rocky View County and Kneehill County.

**Intermunicipal Committee:** Those members from both municipalities appointed by resolution of Council to represent their municipality on matters relating to the Intermunicipal Development Plan and the Intermunicipal Collaboration Framework. **Intermunicipal Development Plan (IDP):** A statutory document, adopted by bylaw in accordance with section 631 of the *Municipal Government Act*, which is used by municipalities as a long-range planning tool.

**May:** Is an operative word that means that there is a choice, with no particular direction or guidance intended.

**Municipalities (the Municipalities):** The municipalities of Rocky View County and Kneehill County.

**Municipal Government Act (MGA):** The Municipal Government Act Revised Statues of Alberta 2000, Chapter M-26, as amended.

**Municipal Development Plan (MDP):** A statutory plan, adopted by bylaw in accordance with section 632 of the *Municipal Government Act* and used by municipalities as a long-range planning tool.

**Outline Plan:** means a detailed Land Use plan for an area of land that is typically smaller than the land covered by an Area Structure Plan and which conforms to all Statutory Plans. An Outline Plan is adopted by resolution of Council, Pursuant to Part 17 of the Act, and is otherwise equivalent to a "Conceptual Scheme" as described in the Act.

**Permitted Use:** The use of land or a building in a land use district for which a Development Authority shall issue a development permit with or without conditions providing all other provisions of the Bylaw are conformed with.

**Plan:** The Rocky View County and Kneehill County Intermunicipal Development Plan.

**Plan Area:** The lands defined in this document to which the policies of this document pertain.

**Ratepayer:** A land owner within the municipality who pays taxes to the respective municipality and is considered a stakeholder in public matter relating to the municipality.

**Renewable Resource/Energy:** means a Development whose Principal Use is the generation of energy for commercial or residential use, from wind, solar, geothermal or other sources that do not depend on finite, non-renewable resources such as fossil fuels.

Shall: In an operative word that means the action is mandatory.

**Should:** In an operative word that means that in order to achieve the Plan's objectives, it is strongly advised that the action be taken.

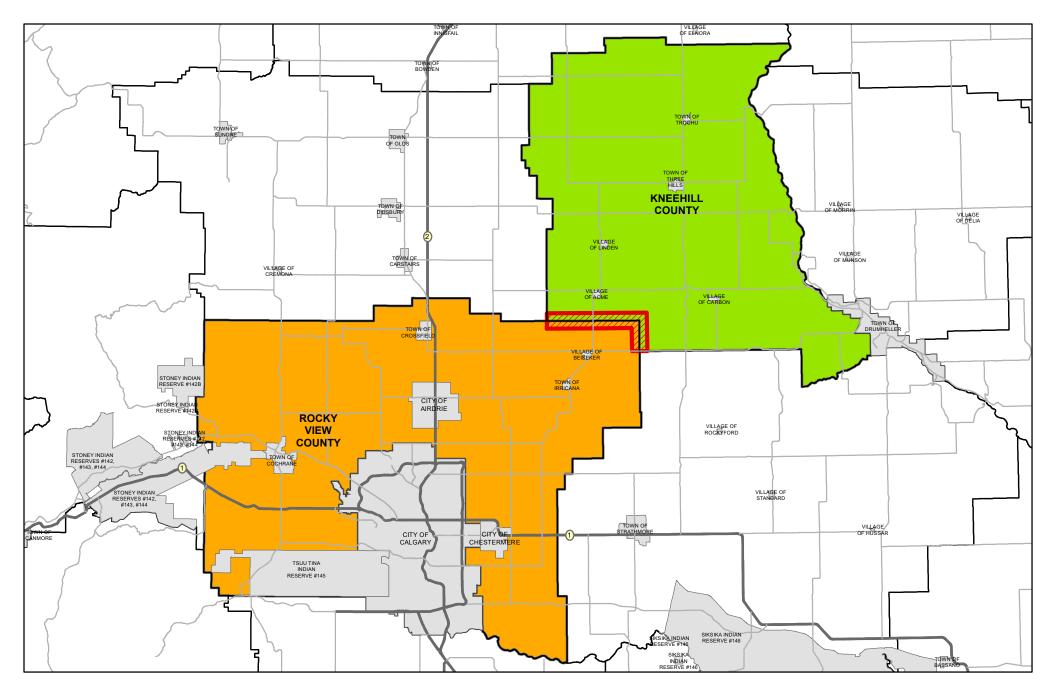
**Soil Classification:** The classification of soils in accordance with the Canadian Land Inventory on the basis of soil survey information, and are based on intensity, rather than kind, of their limitations for agriculture.

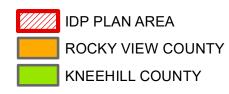
**Stakeholder:** A person with an interest or concern in matters pertaining to this Plan.

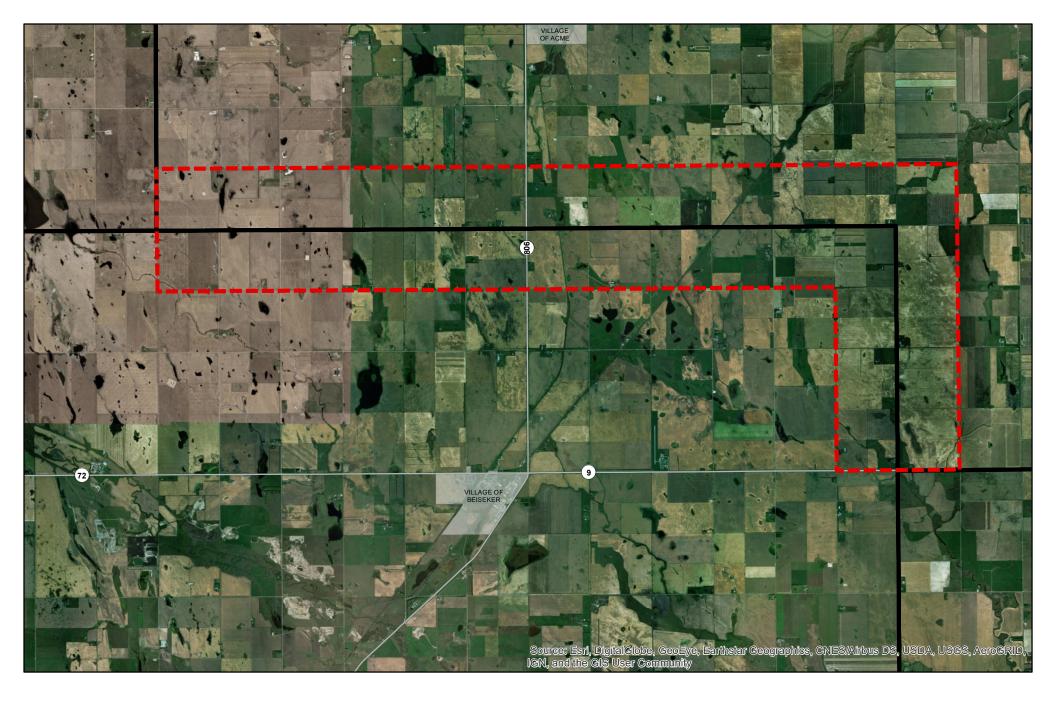
**Statutory Plan:** As per Part 17 of the *Municipal Government Act*, is an intermunicipal development plan, a municipal development plan, an area structure plan, or an area redevelopment plan adopted by a municipality under Division 4 of the *Municipal Government Act*.

Subdivision and Development Authority: Within the boundary of Rocky View County means the Rocky View County Subdivision and Development Authority, and within the boundary of Kneehill County means the Kneehill County Subdivision and Development Authority.

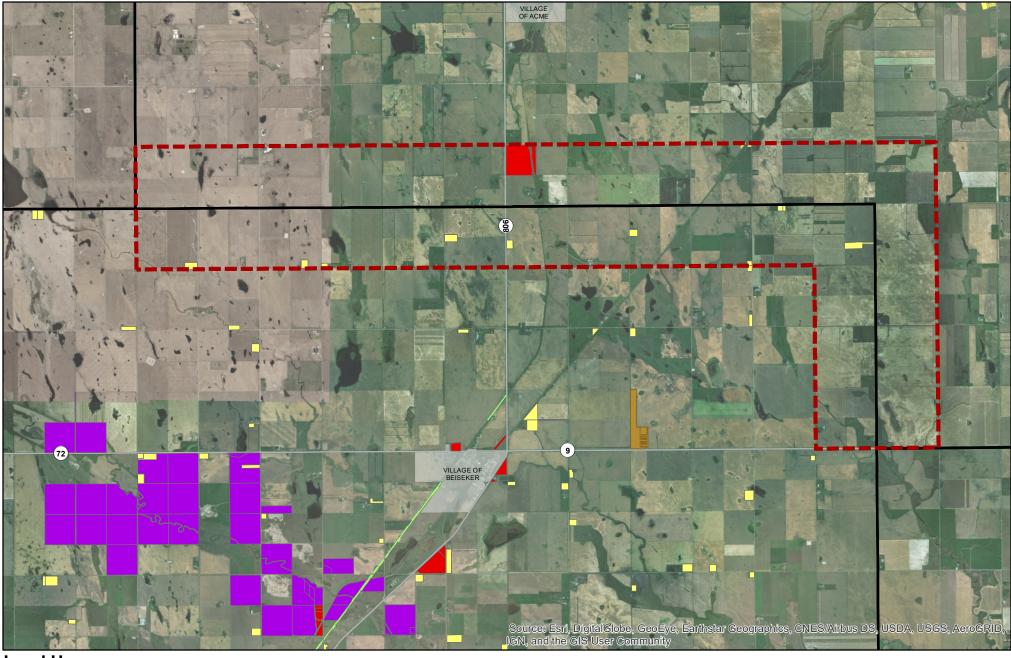












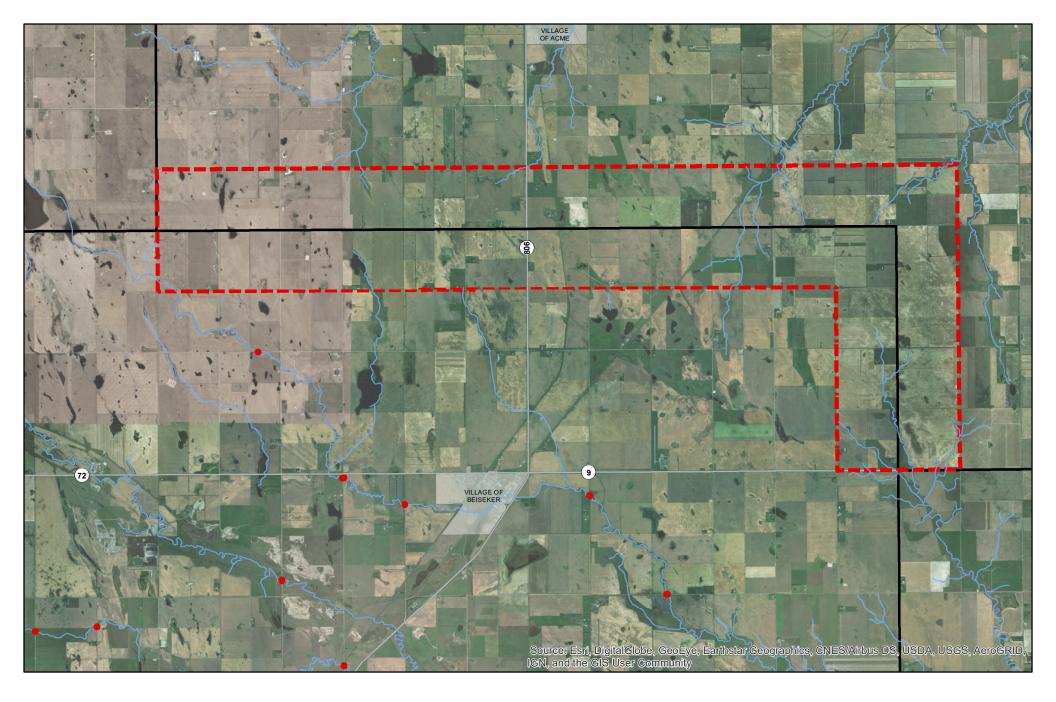
# Land Use



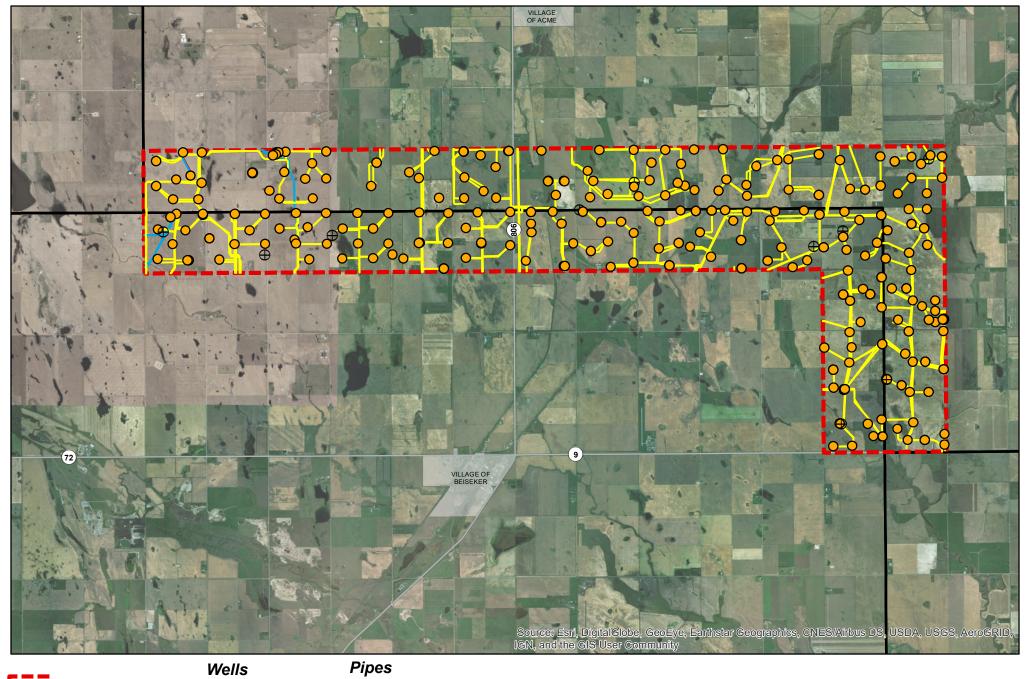
Direct Control

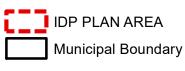
Business Commercial Residential Industrial & NRI

Public Service









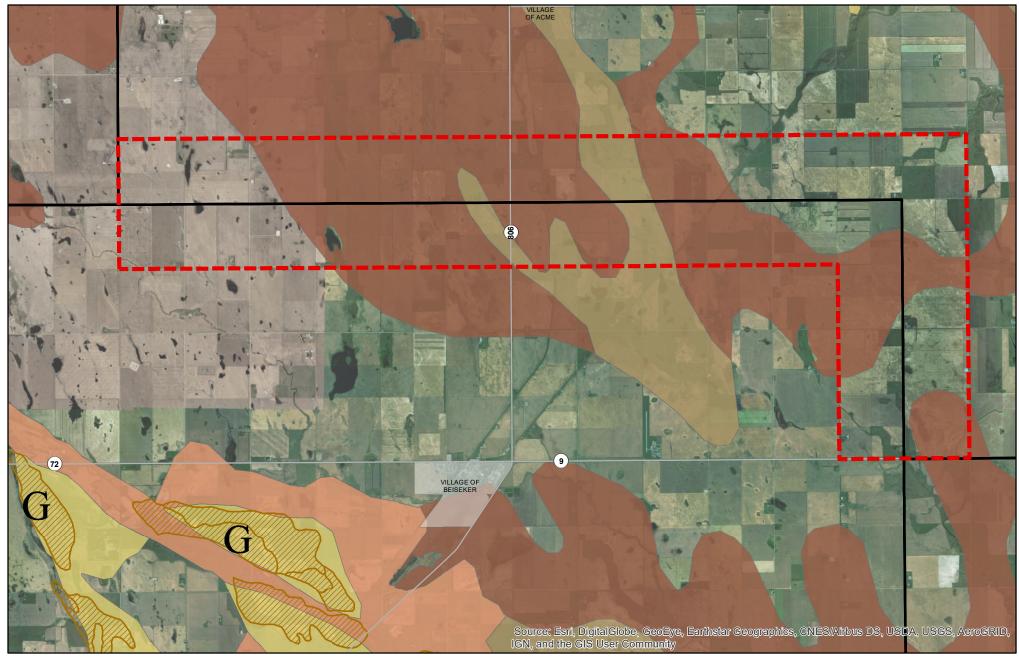
WellsAll Other Values

Abandoned

Other
Natural Gas

Crude Oil

- Sour Natural Gas



## Surficial Sand & Gravel Deposits



Gravel Pits

ίt



Sand & Gravel Potential

Sand and gravel

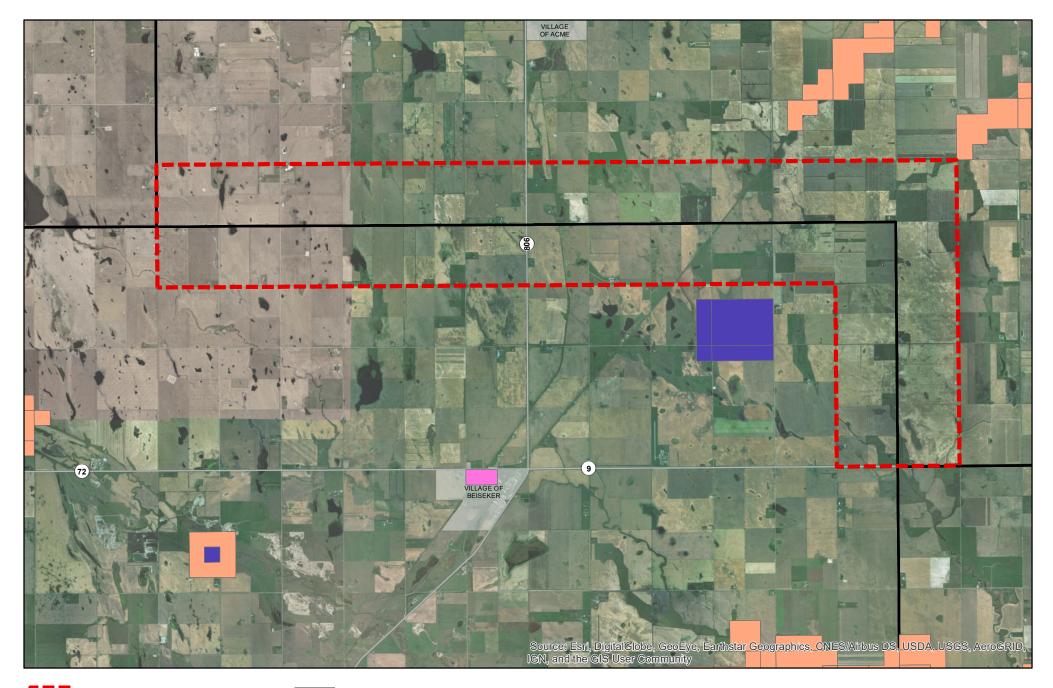
Sand



Sand and silt

Sand, silt and clay, minor gravel

Sandy diamicton



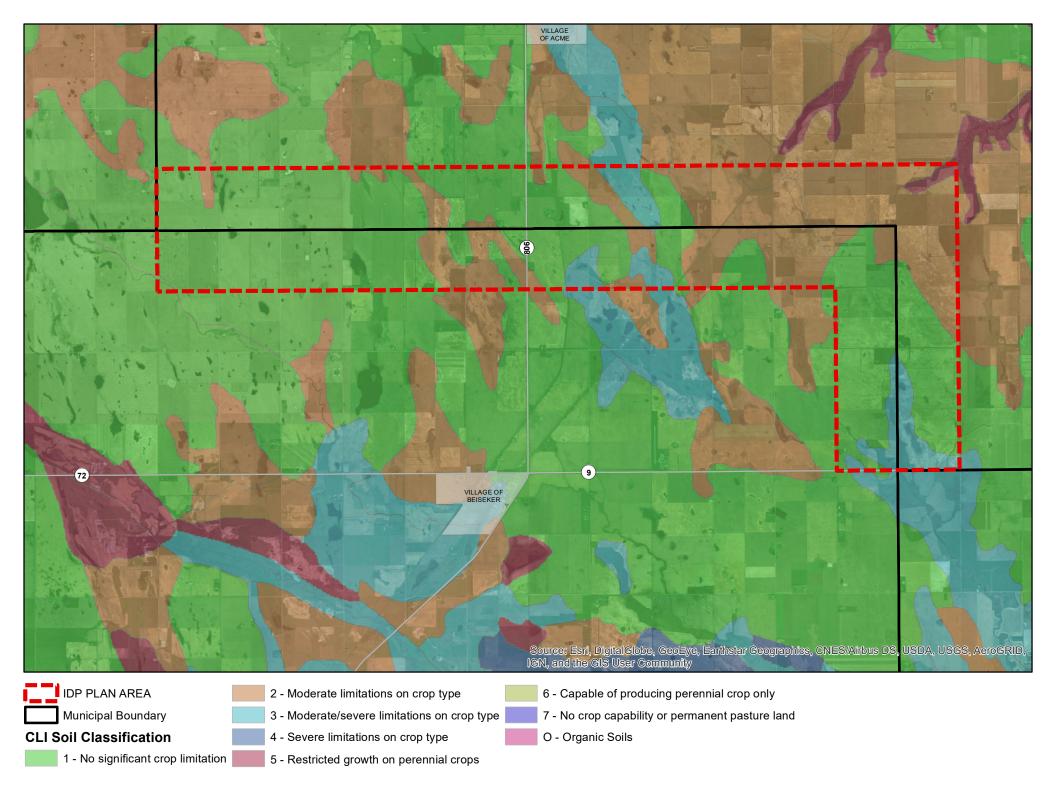
IDP PLAN AREA

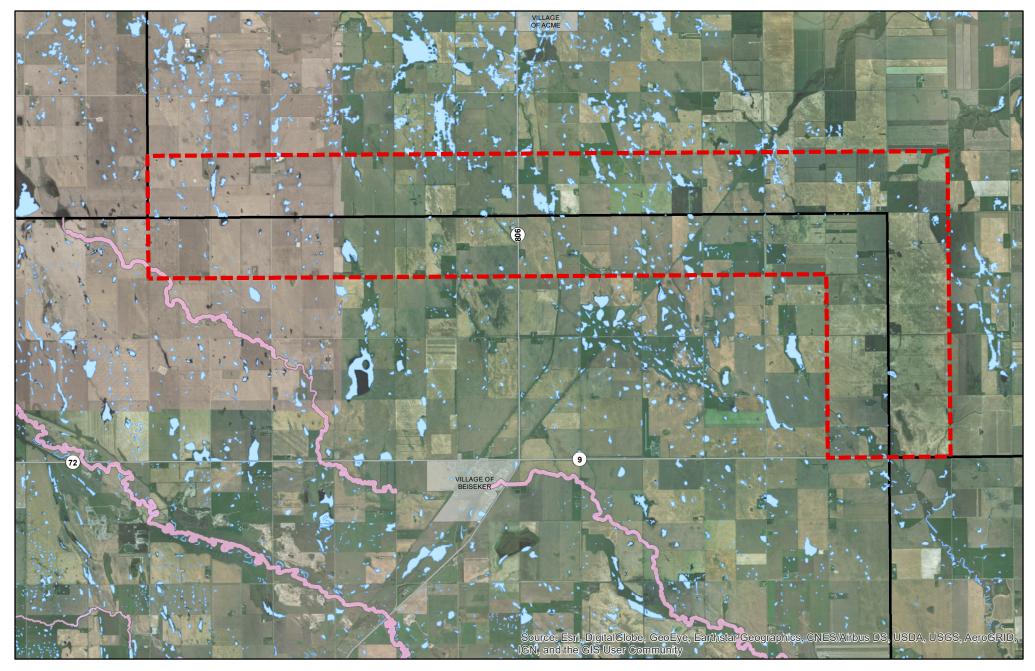
**Municipal Boundary** 

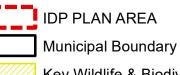
Historic Resource Value (HRV)

- 1 Provincial Historic Resource
- 3 Significant historic resource that will likely require avoidance
  - 4 Historic resource that may require avoidance
  - 5 Potential to contain a historic resource

2 - Registered Historic Resource







**Riparian Policy Areas** 

Alberta Merged Wetland Inventory

Key Wildlife & Biodiversity Zones