

BYLAW 2285

Bylaw No. 2285 of the Municipal District of Provost No. 52 in the Province of Alberta, for the purpose of establishing an intermunicipal development plan with the Municipal District of Wainwright No. 61.

WHEREAS pursuant to Section 631(1) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (hereinafter referred to as "the Act"), provides that two or more Councils of municipalities that have common boundaries must, by each passing a bylaw to adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary; and

WHEREAS the Council of the Municipal District of Provost No. 52 wishes to adopt an intermunicipal development plan with the Municipal District of Wainwright No. 61.

NOW THEREFORE, the Council of the Municipal District of Provost No. 52, duly assembled, enacts the following:

1. That the Intermunicipal Development Plan between the Municipal District of Provost No. 52 and the Municipal District of Wainwright No. 61, as attached and forming part of this bylaw, be hereby adopted.

Read a first time this 27th day of June, A.D. 2019.

Following a public hearing on this 11th day of July, A.D. 2019, this bylaw was read a second time this 11th day of July, A.D. 2019.

Read a third time this 11th day of July, A.D. 2019 and finally passed this 11th day of July, A.D. 2019.



REEVE



ADMINISTRATOR

INTERMUNICIPAL DEVELOPMENT PLAN

BETWEEN

THE MUNICIPAL DISTRICT OF PROVOST No. 52



AND

THE MUNICIPAL DISTRICT OF WAINWRIGHT No. 61



JUNE 2019

M.D. of Provost Bylaw #2285

M.D. of Wainwright Bylaw #1635

Table of Contents

Page

DEFINITIONS:	3
1.0 INTRODUCTION AND OBJECTIVES	3
2.0 PLAN INTERPRETATION	4
3.0 MUNICIPAL GOVERNMENT ACT (MGA) REQUIREMENTS	4
4.0 IDENTIFICATION OF FRINGE AREA	5
4.1 <i>DISCRETIONARY LAND USE REGULATIONS FOR FRINGE AREA</i>	5
5.0 LANDS WITHIN FRINGE AREA	6
5.1 <i>AGRICULTURAL QUALITY</i>	6
5.2 <i>ENVIRONMENTAL COGNIZANCE</i>	6
5.3 <i>TRANSPORTATION LINKAGES</i>	7
5.4 <i>BORDER DEVELOPMENTS AND PRIORITIES</i>	7
5.5 <i>UTILITY SERVICING</i>	7
5.6 <i>CANADIAN FORCES BASE WAINWRIGHT</i>	7
6.0 LAND USE COMPATIBILITY AND ENCROACHMENT	7
7.0 CONFINED FEEDING OPERATIONS (CFOs) AND NRCB APPLICATIONS	8
8.0 OIL AND GAS OPERATIONS AND AER APPLICATIONS	9
9.0 ADJUDICATION PROCESS FOR APPLICATIONS WITHIN FRINGE AREA	9
10.0 INTERMUNICIPAL PLANNING COMMITTEE	9
11.0 REFERRAL PROCESS FOR APPLICATIONS WITHIN FRINGE AREA	10
12.0 DISPUTE RESOLUTION PROCESS	12
13.0 IMPLEMENTATION, ADMINISTRATION, REVIEW, AMENDMENTS AND REPEAL OF IDP	14
13.1 <i>FUTURE PLANS AND STUDIES</i>	14
13.2 <i>PLAN AMENDMENTS</i>	15
13.3 <i>PLAN REVIEW</i>	15
13.4 <i>PROCEDURE TO REPEAL PLAN</i>	15
APPENDIX A – FRINGE AREA MAP	17
APPENDIX B – WAINWRIGHT DUNES MAP	18

DEFINITIONS:

- “Act” means the *Municipal Government Act*, R.S.A. 2000, c. M-26, amended as of April 1, 2018.
- “Councils” mean the municipal councils of the Municipal District of Wainwright and the Municipal District of Provost.
- “Municipalities” refers to both the Municipal District of Wainwright and the Municipal District of Provost in conjunction.
- “Plan” means this intermunicipal development plan.
- “WECS” means Wind Energy Conversion System.

1.0 INTRODUCTION AND OBJECTIVES

The M.D. of Provost and the M.D. of Wainwright exist as neighbouring municipalities in East Central Alberta in a rural prairie landscape that share 34 miles of borderland with the unique added aspect of the Wainwright Canadian Forces Base occupying a large section of the shared border. Due to their shared border, they have decided to provide for the long-term planning of rural lands between the two Municipalities. They also value the advantages of predetermining processes for land use and development where one municipality’s border areas are affected by the other’s new developments. Therefore, both of the Municipalities have decided to develop an intermunicipal development plan (IDP) to provide a predetermined framework to make long-term land use planning decisions.

IDPs are broad-based policy documents that strive for environmentally responsible development without significant unnecessary costs and unacceptable negative impacts on the Municipalities. This IDP will provide a platform to formalize the strong relationship between the M.D. of Wainwright and the M.D. of Provost. By doing so, it is hoped that the potential for future disputes is minimized. However, if a future dispute does occur, the Plan also indicates the dispute resolution process is agreed upon by both Municipalities.

Land use planning decisions made by both Municipalities affect and influence one another. Prominent planning issues include conflicts between differing rural land uses and coordinating infrastructural improvements. Positive relationships will lead to sharing of resources, achieving economic development goals and more efficient municipal and community services. An IDP is arguably the most critical tool in initiating those advantages.

Municipal staff, Fringe Area residents, landowners, and businesses have worked together to develop the policies and land use map. Public input was sought on different occasions before the Plan was presented for adoption. The Municipalities assure that the Plan will guide future growth and provide a forum for potential intermunicipal collaboration on a wide range of issues. To that extent, the Municipal District of Provost and the Municipal District of Wainwright intend to adhere to this intermunicipal development plan by achieving the following objectives:

- a) To protect existing land uses to prevent encroachment.
- b) To support reasonable and practical planning for future infrastructure needs.
- c) To implement fair and consistent regulations for properties on the boundary.
- d) To provide a framework of mutual cooperation and communication for the decision-making and resolution of planning and development matters.
- e) To engage in fringe reciprocity measures to ensure the interests of both Municipalities are acknowledged and accounted for.
- f) To ensure a transparent process and subsequent results for necessary stakeholders.
- g) To develop this IDP to provide clarity and continuity for future governance of the Fringe Area and the respective Municipalities.
- h) To administer and follow effective referral mechanisms and dispute resolution mechanisms.

2.0 PLAN INTERPRETATION

- 1. All words in the Plan shall have the same meaning as defined in the *Municipal Government Act*. For words not defined under the *Municipal Government Act*, their meaning shall be as is understood in everyday language.
- 2. The word “shall” is interpreted as meaning an obligatory direction.
- 3. The word “may” is interpreted as meaning a choice exists with no preferred direction intended.

3.0 MUNICIPAL GOVERNMENT ACT (MGA) REQUIREMENTS

As of April 1, 2018, the development and implementation of an intermunicipal development plan are mandated by the *Municipal Government Act* R.S.A. 2000, c. M-26 (as amended).

As established by the *Act*, an intermunicipal development plan is a statutory document and in accordance with Section 631 of the *Act* stating that:

631(1) Two or more councils of municipalities that have common boundaries [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.

In addition, **Section 631(2)** of the *Act* states that this Plan **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 coordination 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.

Following **Section 631(2)** of the *Act*, this Plan **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.

4.0 IDENTIFICATION OF FRINGE AREA

For all land descriptions – please refer to Appendix A contained at the end of this document.

Due to the unique circumstance of CFB Wainwright sharing a large portion of the common border between the M.D. of Provost and the M.D. of Wainwright, the amount of land comprising the Fringe Area shall be lessened due to the exemption of CFB Wainwright from the Plan. Such an exemption, however, would not eliminate a referral to CFB Wainwright (or any other permanent stakeholders), should it be deemed necessary by either Municipality.

Therefore, all lands shared directly by the M.D. of Provost and the M.D. of Wainwright within a reasonable and finite distance of 1 mile on both sides of the shared border of the Municipalities shall be identified as the lands comprising the “Fringe Area”. Nonetheless, if a situation were to occur in which either Municipality was faced with a proposed development that could pose a conflict with the neighbouring Municipality, the 1-mile Fringe Area for referrals can be extended specifically for that individual circumstance to facilitate good faith between the Municipalities. Moreover, good faith can be demonstrated between the M.D. of Provost and the M.D. of Wainwright in cases where, for example, a significant proposed development (i.e. a WECS, large towers, aviation technologies or major infrastructure development, etc.) is outside of the 1-mile Fringe Area within the M.D. of Provost’s boundary and opposite to CFB Wainwright. Thus, such a situation may warrant a referral to the M.D. of Wainwright to ensure that both Municipalities’ interests are prioritized within the development approval process.

4.1 *DISCRETIONARY LAND USE REGULATIONS FOR FRINGE AREA*

Although both sides of the shared border are zoned as Agricultural District, it is important to preserve avenues of communication between the two Municipalities regarding the development of the lands within the Fringe Area. Moreover, the requirement for intermunicipal notification and collaboration is important to both Municipalities. Therefore, discretionary uses identified within both Municipalities’ Land Use Bylaws and Municipal Development Plans in regards to their Land Use District regulations are acceptable for review with no specific needs for exclusion. Especially in circumstances regarding environmentally sensitive areas (such as wetlands), there shall be a requirement for the initiation of the Referral Process, as outlined in Section 10, that will provide the means for meaningful communication for both the M.D. of Provost and the M.D. of Wainwright. Moreover, any land uses that may be deemed as having a negative impact on neighbouring land owners on either side of the border shall be an instance

where the Referral Process is required to rectify the differences between the proposed land use and the current neighbouring land uses.

Furthermore, certain circumstances shall require the Referral Process, such as situations warranting a rezoning of lands within the Fringe Area. For example, the Municipal District of Provost requires a rezoning of lands to accommodate substantive industrial development (i.e. the development of a WECS, etc.) in the Fringe Area will serve as an instance where the Referral Process would be required. Another instance that would require the Referral Process would be a proposed development that would adversely affect the neighbouring landowners and Municipality

5.0 LANDS WITHIN FRINGE AREA

5.1 AGRICULTURAL QUALITY

Lands dedicated to agricultural uses comprise the majority of lands within both Municipalities. Therefore, the importance of agricultural land conservation and preservation is incredibly important to the M.D. of Provost and the M.D. of Wainwright.

In regards to the productivity of the lands within the Fringe Area, both Municipalities have identified the lands are of marginal productivity and indicate that no enhanced or special capabilities exist or are planned for such lands.

5.2 ENVIRONMENTAL COGNIZANCE

The Municipal District of Provost and the Municipal District of Wainwright have identified one significant environmentally sensitive area – the Wainwright Dunes Ecological Reserve - that would be of notable concern within the concept of future development within the Fringe Area. Such an area would preclude any development as it is defined by the Government of Alberta as an ecological reserve. As such, no future development in the area specifically designated by the Province shall be permitted or entertained due to its environmental significance and/or sensitivity. For a detailed map of the area constituted as the Wainwright Dunes, see Appendix B.

Moreover, in other appropriate areas the acknowledgement of environmental features such as wetlands are not only important to habitat preservation but are also an area of specific interest for certain third parties.

Whereas the adherence to environmental standards is important to the Municipalities, both the M.D. of Provost and the M.D. of Wainwright shall require, upon the Development Authority's request, an environmental study/report and/or a geotechnical study/report to be undertaken if deemed necessary in specific circumstances. If such a study must take place at the Development Authority's request, the Land Use Bylaw of the appropriate Municipality will provide the necessary information for such a study to take place. All costs incurred by an environmental/geotechnical study/report being done will be at the expense of the proposing developer.

5.3 TRANSPORTATION LINKAGES

Due to the alignment of the two municipal partners, the border roads of Range Roads and Township Roads are the responsibility of the M.D. of Provost.

Future growth and development is heavily dependent on major transportation linkages such as Highways 41 and 899. In the case of such major transportation linkages, future planning and development that may affect the integrity of infrastructure shall be planned in consultation with Alberta Transportation.

Additionally, any substantive development that would pose any change in normal traffic patterns for the neighbouring Municipality or would incur any infrastructural wear or damage to the neighbouring Municipality's infrastructure shall be consented to by the affected Municipality prior to such substantive development taking place. Moreover, any costs borne from repairs to infrastructure that has been damaged due to the neighbouring Municipality's development priorities will be the responsibility of the developing Municipality that damaged said infrastructure.

5.4 BORDER DEVELOPMENTS AND PRIORITIES

Neither Municipality has any immediate/pressing planning or development priorities for the lands within the Fringe Area.

5.5 UTILITY SERVICING

Currently, there are no shared, or future plan to share, utility services between the M.D. of Provost and the M.D. of Wainwright. Consequently, a shared agreement in regards to utility servicing between the Municipalities will neither need to occur currently or for the foreseeable future due to lack of demand and lack of population density in the Fringe Area.

5.6 CANADIAN FORCES BASE WAINWRIGHT

All lands owned and operated by the Department of National Defense within the Fringe Area shall be exempt from all regulations present in the Plan due to national bodies not being subject to the MGA. Moreover, the Department of National Defense does not require the consent of the M.D. of Provost in their development decisions unless they deem it appropriate to do so. However, as mentioned previously in Section 4.0, either Municipality may deem it necessary to provide a referral to CFB Wainwright in certain circumstances where a proposed development could potentially cause conflict with existing infrastructure or exercises.

6.0 LAND USE COMPATIBILITY AND ENCROACHMENT

As part of the mutual cooperation and respect for each Municipality's jurisdiction, potential land uses and developments must recognize and be sensitive to existing landowners, and incompatible developments are to be prevented. Ill-planned or uncoordinated planning efforts by either

Municipality have the potential to cause conflict between rural fringe uses within the Fringe Area. Therefore, the importance of development consultation between the Municipalities is paramount to alleviate conflict or tension between existing landowners. To this extent, the referral processes will ensure that proper and reasonable planning will occur through the development permit and subdivision approval process to limit the adverse effects of new developments on preexisting land uses.

Both Municipalities recognize similar land uses and rural activities due to their similar zoning of Agriculture Districts in the Fringe Area. Moreover, both Municipalities place immense importance on the conservation of agricultural land thus, those sensitive discretionary land uses identified in section 4.1, such as major industrial development within the Fringe Area that may cause significant effects to neighbouring landowners (i.e. WECS), would require mandatory consultation between the Municipalities before such development takes place. Additionally, both Municipalities shall support substantive industrial development within the Fringe Area, provided that it:

- a) is based on an identified need
- b) is consistent with the overall planning strategy of the adjacent rural municipality, and
- c) is, where practical, directed to areas of non-productive agricultural land.

Additionally, in Section 4.1, any proposed development that would have negative effects on the neighbouring land uses shall, under the Development Authority's discretion, be denied a development permit so as to mitigate conflict between neighbouring land owners and uses.

7.0 CONFINED FEEDING OPERATIONS (CFOs) AND NRCB APPLICATIONS

Due to the nature of large-scale feedlot and intensive livestock operations and the important issue of air quality and groundwater proximity, exclusion zones are acknowledged and identified for those operations falling under the jurisdiction of the Natural Resource and Conservation Board (NRCB) authority as established by the Agricultural Operations and Protection Act (AOPA) as well as for those operations which fall under the threshold of the NRCB limits, but still require a development consideration from the appropriate Municipality.

The proposal of the development of a CFO shall require the initiation of the Referral Process due to the environmental effects they incur, along with the other effects that would have negative consequences on neighbouring land owners, such as excessive odour, noise, and dust.

Keeping in mind the M.D. of Provost's development permit regulations in their Land Use Bylaw for the development of major industrial land use, the M.D. requires consultation and discretionary approval for the development of CFOs. Further, their Municipal Development Plan (MDP) (Bylaw No. 2132) mandates that any possibility of groundwater, well, or spring contamination by manure storage facilities shall be avoided thus, the protection of such bodies of water within the Fringe Area must be acknowledged and upheld by both Municipalities in the Area.

In regards to the M.D. of Wainwright's policy towards to the development of CFOs that would raise special considerations within the Fringe Area, they have outlined in their Municipal Development Plan (Bylaw No. 1319) that the development of CFOs shall not be developed within

a 2.4 km radius of any urban boundary. As this regulation does not apply within the Fringe Area, and there are no other extraneous stipulations regarding the development of a CFO, no additional assessment criteria (other than those normally associated with the development of a CFO) shall be attributed to the Referral Process.

8.0 OIL AND GAS OPERATIONS AND AER APPLICATIONS

Oil and gas operations in both Municipalities are abundant in number which, consequently, increases the need for intermunicipal collaboration and cooperation in regards to the management of energy resource development. With that being said, oil and gas operations are under the regulating authority of the Alberta Energy Regulator, as established by the Oil and Gas Conservation Act, which can create a potential for conflict within the Fringe Area for existing oil and gas facilities as well as the development of new facilities and operations.

With this potential for conflict, the necessity of this Plan is immense as it addresses the issuance of consents for road use, land access, and buried services crossing municipal infrastructure in the following manner:

Wherein an oil and gas installation is requesting access to lands within one municipality from the neighbouring Municipality's rights of way, consent shall be issued by the Municipality whose right of way is affected.

9.0 ADJUDICATION PROCESS FOR APPLICATIONS WITHIN FRINGE AREA

The IDP calls for the referral only of those proposed land uses identified in Section 4.1 of the Plan. Therefore, the process of review and adjudication of applications is initiated by the Municipality with the development proposal and shall be undertaken by the affected Municipality in concert with the proposing Municipality.

The Adjudication Process for this Plan will be used to decide whether a proposed development may require a referral. Such a circumstance that would require the initiation of the Referral Process shall be those proposed land uses listed in Section 4.1, and in no circumstance will there be a need for joint review and adjudication.

The Plan is considered to be a living document thus, future amendments may be made as the situation regarding the effects of the Plan evolves. The policies found in the following sections explain how municipal staff and their respective Councils may ensure the Plan's policies are implemented and regularly reviewed in an efficient and effective manner.

10.0 INTERMUNICIPAL PLANNING COMMITTEE

In order for any plan to succeed it must set a policy for how and when it should be reviewed. Both municipalities should also identify those people responsible for conducting the reviews.

Goal:

Establish the methods for exchanging information, reviewing the Plan, and providing a forum to discuss topics of mutual interest.

Policies:

- a. The Intermunicipal Planning Committee is comprised of the following:
 - C.A.O.'s of the M.D. of Provost and the M.D. of Wainwright
 - Two Council members from the M.D. of Provost, less those Councillors who are also members of the SDAB
 - Two Council members from the M.D. of Wainwright, less those Councillors who are also members of the SDAB

- b. The mandate of the Intermunicipal Planning Committee may include discussion and consideration of the following:
 - Taking recommendations to the Committee on intermunicipal matters that are referred by either the M.D. of Provost or the M.D. of Wainwright;
 - Monitoring the performance of the Plan, including overseeing implementation actions;
 - Reviewing any proposed amendments to this Plan; and
 - Assisting with the resolution of disputes in accordance with this Plan.

- c. The Intermunicipal Planning Committee shall make decisions and recommendations on a majority consensus basis.

- d. The Intermunicipal Planning Committee shall meet **biennially** to discuss planning issues of mutual interest and reflect on how the Plan is working, as well as on an as-needed basis to resolve or further discuss any issues.

- e. The responsibility for providing administrative support to the Intermunicipal Planning Committee shall be reviewed by the M.D. of Provost Council and the Council of the M.D. of Wainwright on a **biennial** basis. Administrative support to be provided and procedures to be followed shall include:
 - The establishment of dates and locations for all meetings, production of agendas, distribution of pre-meeting information packages, and other matters as deemed necessary;
 - Keeping a record of the Committee meetings; and
 - Convening meetings as required by the Plan.

11.0 REFERRAL PROCESS FOR APPLICATIONS WITHIN FRINGE AREA

A pillar of a successful IDP is an open and thorough discussion of issues impacting the Fringe Area. Good communication shall ensure that development requests needing approval from both Municipalities shall be done in an efficient and effective manner within the Referral Process.

Goal:

Provide opportunities for the Municipalities to become informed about and have input on planning and development matters.

Policy:

The Referral Process will be as follows:

1. All discretionary land uses identified in Section 4.1 shall require the Referral Process between the two Municipalities involved to ensure transparency, fairness to neighbouring residents and landowners, and proper notification to the surrounding landowners as well.
2. The Municipality within which any development, subdivision, land use bylaw amendment, or other matter is proposed (hereinafter referred to as “the proposing Municipality”) shall share information, data or studies, road plans and utility plans that may have implications for the Fringe Area that would affect the other Municipality (hereinafter referred to as “the responding Municipality”).
3. The proposing Municipality shall refer to the other proposed statutory plans, concept plans, land use bylaws and amendments to any of these documents where such proposals may affect land within the Fringe Area.
4. The proposing Municipality shall refer to the other proposed subdivision applications falling within the Fringe Area.
5. Notwithstanding the above policies, where in the judgment of the Municipality having jurisdiction, any proposed plan or application is thought to have potential implications for or be of interest to the other Municipality the matter may be referred to the other municipality.
6. The responding Municipality shall have **twenty-one (21) days** to review and comment on any referrals. A Municipality may request an extension of the initial review period. The responding Municipality may agree to an extension of the review period and where an extension is provided it shall be communicated in writing.
7. Subject to a written and signed intermunicipal memorandum of understanding, items subject to referral and their respective timelines for submitting comments may be added or deleted without the need for a formal amendment to this Plan.
8. When issues are raised through the communication and referral process, they shall be addressed using the following process:

Stage 1: Administrative Review

Every attempt shall be made to discuss the issue between the Municipalities’ Chief Administrative Officers and Development Authorities with the intent of arriving at a mutually acceptable resolution. If an agreement or understanding on how to approach the issue is reached, the responding Municipality shall indicate the same to the proposing Municipality in writing. If an agreement cannot be reached, the matter shall be referred to the Intermunicipal Planning Committee.

Stage 2: Intermunicipal Planning Committee Review

If an issue is referred, a meeting shall be scheduled to allow both Administrations to present their perspectives and views on the issue.

The Intermunicipal Planning Committee may:

- a) Provide suggestions back to both Administrations on how to address the issue and refer the matter back to the Administrative Review stage;
- b) Seek additional information and alternatives for consideration at a future meeting of the Intermunicipal Planning Committee;
- c) If possible, agree on a consensus position that resolves the issue; or
- d) Conclude that no initial agreement can be reached and refer the matter to the Dispute Resolution process.

In the event that the Intermunicipal Planning Committee reaches consensus and resolves the issue, the details of the consensus shall be provided to the Municipalities in writing within **fifteen (15) days** after the decision was reached.

12.0 DISPUTE RESOLUTION PROCESS

This is a mandatory component of the IDP as per the *Municipal Government Act*. While the intent of the Plan is to facilitate reasonable development, there may be issues or applications that still need to be administered. If a dispute between the M.D. of Wainwright and the M.D. of Provost arises, having an agreed upon process for recognizing and resolving the dispute is an important first step as it provides a common starting ground that allows more time to generate possible solutions.

Goal:

Create a process that allows for timely resolution of differences of opinion in a manner respectful of municipal interests.

Policies:

- a. The following shall form the basis for initiating the Dispute Resolution process:
 - i. Lack of agreement between the two municipalities on any proposed amendment to this Plan;
 - ii. Lack of agreement between the two Municipalities on any proposed statutory plan, concept plan, land use bylaw or amendment to any of these documents affecting lands within the Fringe Area; or
 - iii. Lack of agreement between the two municipalities on an interpretation of this Plan.
 - iv. Lack of agreement between the Municipalities on an approved development permit or subdivision application affecting lands within the Fringe Area which have not been reconciled through the Referral Process.
- b. A dispute shall be limited to the decisions on those matters listed under 12.a.i-iv. Any other appeal by other parties shall be made to and addressed by the respective approving authorities within the M.D. of Provost and the M.D. of Wainwright.

- c. The Dispute Resolution process of this Plan may only be initiated by the Council of either the M.D. of Provost or the M.D. of Wainwright and shall only be used for resolving intermunicipal planning disputes. Where either Municipality has received written notice of a dispute from the other Municipality, the Dispute Resolution Process shall be started within **fifteen (15) calendar days** of the date the written notice was received unless otherwise agreed to by the Chief Administrative Officer of the Municipality that sent the notice.
- d. A dispute shall be addressed and may be resolved at any stage using the following process:

Stage 1: Mediation Process

In accordance with Section 690(1)(c) of the *Municipal Government Act*, engaging a mediator is mandatory in order for an appeal to occur before the Municipal Government Board (MGB), unless otherwise able to provide reasonable and valid evidence as to why a mediator was not engaged. Therefore, it is the best practice to engage a mediator to resolve a dispute through a neutral entity. A dispute is referred for mediation which shall be used to reach agreement unless otherwise deemed unnecessary by the Councils of the responding Municipality and proposing Municipality. Prior to the commencement of the mediation process, the Municipalities shall:

1. Appoint an equal number of representatives from both of the involved Municipalities to participate in the mediation process on a Dispute Resolution Committee;
2. Engage a mediator agreed to by both Municipalities at equal cost to both parties; and
3. Approve a mediation process and schedule. Mediation should commence no later than **thirty (30) days** following the date the written dispute notice was received.
4. If agreed to by the Dispute Resolution Committee, Municipal Administration may be used as a resource during the mediation process.
5. All discussions and information related to the mediation process shall be held in confidence until the conclusion of the mediation process.
6. The process shall be deemed as finished once the mediator submits a report to the Councils of both Municipalities.
7. The mediator's report and recommendations shall not be binding on either Municipality.
8. For disputes that cannot be appealed, the mediator's report shall be considered binding.
9. If the Councils accept the mediator's report in their respective meetings, this shall be communicated to the other Municipality within **fifteen (15) days** following the decision in writing and the matter shall be considered resolved. The report shall be introduced through the public hearing process along with any necessary amendments to the proposed bylaw or plan.
10. If no mediated agreement can be reached, or if both Councils do not approve a mediated agreement, then an appeal process may be initiated if provided for under the provisions of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended.

Stage 2: Appeal Process

In the event that mediation proves unsuccessful, was not undertaken, or the proposing Municipality proceeds with an approval that does not reflect the accepted mediation recommendations, the responding municipality may appeal that action to the Municipal Government Board under the provisions of Section 690 of the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended, in accordance with the *Act*.

If the responding Municipality initiates a dispute, they may withdraw their objections at any time throughout the process and shall provide written confirmation that the dispute is withdrawn to the proposing Municipality.

Both the M.D. of Provost and the M.D. of Wainwright agree that time shall be of the essence when working through the Dispute Resolution process.

13.0 IMPLEMENTATION, ADMINISTRATION, REVIEW, AMENDMENTS AND REPEAL OF IDP

The success of the IDP depends largely on the ability to include its policies in subsequent plans that deal with specific lands within the Fringe Area. As that begins to happen it is important to ensure a review of the Plan itself is done on a pre-determined regular basis.

Goal:

Promote the use of the Plan and implementation of its policies.

Policies:

The IDP is seen as a living document, in that it is open to review, amendment and effect within a term agreed upon by the Municipalities in accordance with the following stipulations:

1. Upon adoption, the IDP will supersede previous policies, studies or resolutions for the Fringe Area contained within.
2. The M.D. of Provost shall be responsible for the administration and decisions on all statutory plans, land use bylaws, amendments thereto, and subdivision and development applications falling within the boundaries of the M.D. of Provost.
3. The M.D. of Wainwright shall be responsible for the administration and decisions on all statutory plans, land use bylaws, amendments thereto, and subdivision and development applications falling within the boundaries of M.D. of Wainwright.

13.1 *FUTURE PLANS AND STUDIES*

- a. Prospective development should be prepared and adopted by the Municipality having jurisdiction prior to, or concurrent with changes in a certain land use designation. This requirement shall not

apply to those areas that do not involve subdivision or areas deemed to be minor developments by the applicable approving authority.

- b. At the start of a potential development process, the Municipalities shall consult one another to ensure a fair and transparent process for both parties. This may involve obtaining comments on the proposed terms of reference for the plan process, where applicable.
- c. The M.D. of Provost and the M.D. of Wainwright shall coordinate future planning efforts including potential collaboration on transportation plans or drainage and feasibility studies.

13.2 PLAN AMENDMENTS

As the Plan is a living document, amendments and alterations may be made to better incorporate the will of the Municipalities in concert. Therefore, an amendment to this Plan may be proposed solely by the Councils, Chief Administrators, or Development Authorities of either the M.D of Provost or the M.D. of Wainwright.

The following procedure will be followed in order to amend the Plan:

1. Within **thirty (30) days** of the written notice, an Intermunicipal Planning Committee meeting shall be convened.
2. Following the Intermunicipal Planning Committee meeting, the Municipality or resident initiating the amendment procedure may either withdraw their intention to amend the Plan by giving written notice to the other Municipality or proceed to consider a bylaw in accordance with the *Municipal Government Act* to amend the plan.
3. Once one Municipality has passed a bylaw to amend the Plan the other Municipality shall also proceed to pass a bylaw amending the plan.
4. In the event the Plan is amended, the Municipalities shall amend their Municipal Development Plans respectively to address the intermunicipal issues in accordance with the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended. Should these required amendments not satisfy the neighbouring Municipality, the matter may be appealed to the Municipal Government Board.
5. Should the Plan be amended, all other agreements relating to developments in the Fringe Area will continue to be in force, unless otherwise stipulated in the agreements.

13.3 PLAN REVIEW

1. This IDP, will go under mandatory review every **five years** following the date of adoption by the Councils of both Municipalities, unless otherwise reviewed and renewed before such date. If a review does not occur within such a timeline, it will expire indefinitely.

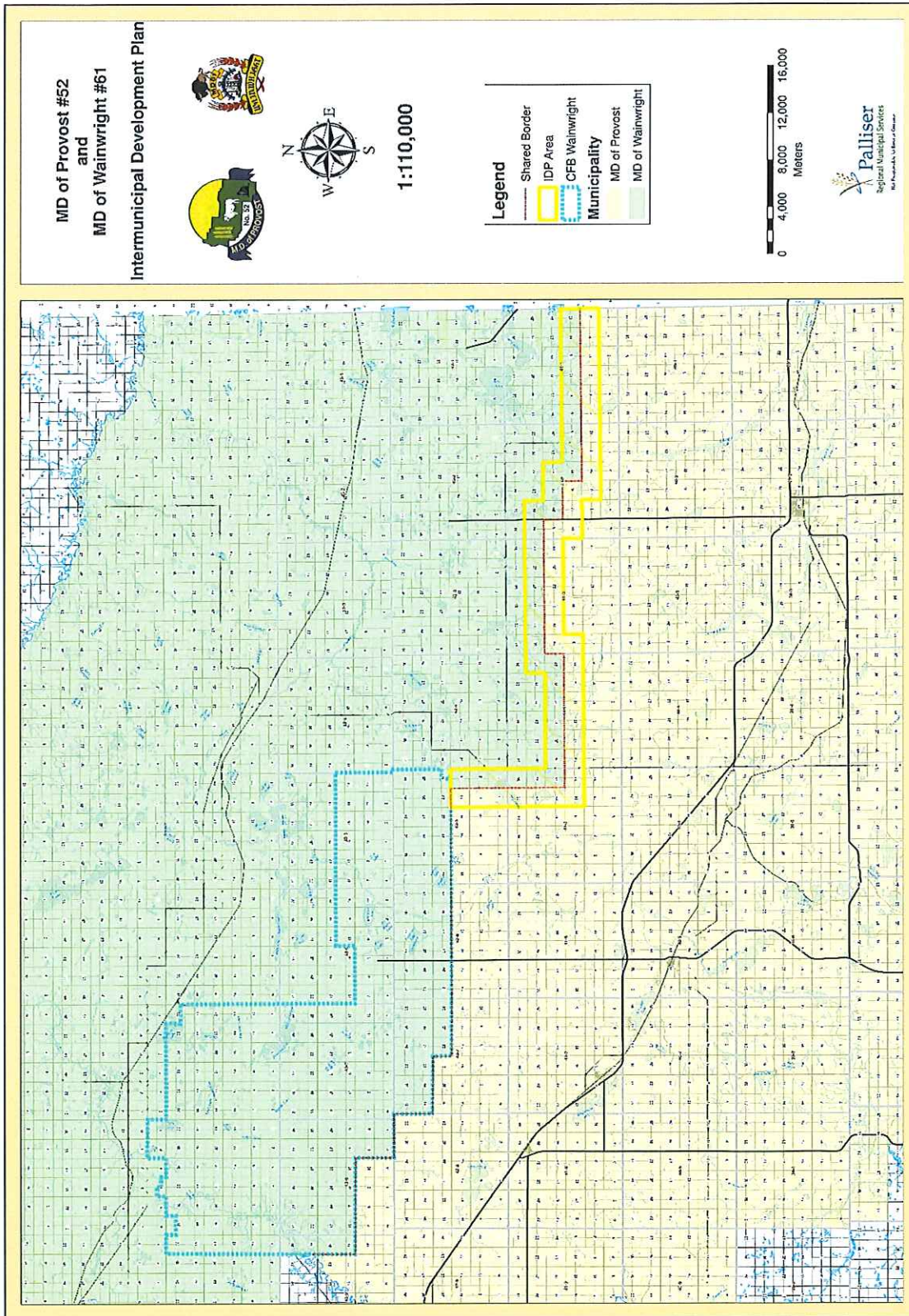
13.4 PROCEDURE TO REPEAL PLAN

- a. If the M.D. of Provost and the M.D. of Wainwright deem this Plan as no longer workable, they may initiate the repeal of the Plan. Repeal of the Plan may be accomplished by the Municipalities passing a bylaw in accordance with the repeal provisions of the *Municipal Government Act*.

- b. The following procedure to repeal the Plan shall be applied:
- i. The Municipality shall give three months written notice, with reasons, of its intention to repeal its bylaw adopting the Plan, or if in mutual agreement the Councils may repeal the adopting bylaws concurrently;
 - ii. Repealing the IDP or withdrawing from it requires both Municipalities to go through the Dispute Resolution Process Stages 1-2.
 - iii. The Municipality initiating the repeal procedure may either withdraw its intention to repeal the Plan by giving written notice to the responding Municipality or proceed to consider a bylaw to repeal the Plan;

In the event that the Plan is repealed, the Municipalities shall amend their Municipal Development Plans to address intermunicipal issues in accordance with the *Municipal Government Act*. Should these required amendments not satisfy the Municipality, the matter may be appealed to the Municipal Government Board.

APPENDIX A – FRINGE AREA MAP



APPENDIX B – WAINWRIGHT DUNES MAP

