

**BYLAW 2296**

Bylaw No. 2296 of the Municipal District of Provost No. 52 in the Province of Alberta, for the purpose of establishing an intermunicipal development plan with the Special Areas Board.

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 Special Areas Board.

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 Special Areas Board, as attached and forming part of this bylaw, be hereby adopted.

Read a first time this 9<sup>th</sup> day of January, A.D. 2020.

Following a public hearing on this 30<sup>th</sup> day of January, A.D. 2020, this bylaw was read a second time this 30<sup>th</sup> day of January, A.D. 2020.

Read a third time this 30<sup>th</sup> day of January, A.D. 2020 and finally passed this 30<sup>th</sup> day of January, A.D. 2020.

  
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REEVE

  
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ADMINISTRATOR

**INTERMUNICIPAL DEVELOPMENT PLAN**

**BETWEEN**

**THE MUNICIPAL DISTRICT OF PROVOST  
No. 52**



**AND**

**SPECIAL AREAS BOARD**



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## **DEFINITIONS:**

- “Board”** means Special Areas Board.
- “Councils”** mean the municipal councils of the Municipal District of Provost No. 52 and Special Areas Board in conjunction.
- “M.D.”** means the Municipal District of Provost No. 52.
- “MGA”** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, amended as of April 1, 2018.
- “Municipalities”** refers to both the Municipal District of Provost No. 52 and the Special Areas Board in conjunction.
- “Municipality”** is an indiscriminate term used in this document to refer to the Municipal District of Provost No. 52 or Special Areas Board.
- “Plan”** means this intermunicipal development plan.

### **1. INTRODUCTION AND OBJECTIVES**

The Municipal District of Provost No. 52 and Special Areas Board exist as neighboring municipalities in East Central Alberta in a rural prairie landscape that share 29 miles of borderland. 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 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. and the Board. By doing so, it is hoped the potential for future disputes is minimized. However, if a future dispute does occur, the Plan also outlines a dispute resolution process 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.



The Municipalities believe this Plan will guide future growth and provide a forum for potential intermunicipal collaboration on a wide range of issues. To that extent, the M.D. and the Board intend to adhere to this 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 Plan 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. PLAN INTERPRETATION

- a) 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.
- b) The word “shall” is interpreted as meaning an obligatory direction.
- c) The word “may” is interpreted as meaning a choice exists with no preferred direction intended.

### 3. **MUNICIPAL GOVERNMENT ACT (MGA) REQUIREMENTS**

As of April 1, 2018, the development and implementation of an intermunicipal development plan is 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:

**631(1)** Two or more councils of municipalities that have common boundaries that are not members of a growth region as defined in section 708.01 must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

In addition, **Section 631(2)** of the *Act* states an IDP

(a) must address

- (i) the future land use within the area,
- (ii) the manner of and the proposals for future development in the area,
- (iii) the provision of transportation systems for the area, either generally or specifically,
- (iv) the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,
- (v) environmental matters within the area, either generally or specifically, and any other matter related to the physical, social or economic development of the area that the councils consider necessary.
- (vi) any other matter related to the physical, social, or economic development of the area that the councils consider necessary.

and

(b) must include

- (i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,
- (ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and provisions relating to the administration of the plan.
- (iii) provisions relating to the administration of the plan.

### 4. **IDENTIFICATION OF FRINGE AREA**

*Note: For a visual representation of the Fringe Area shared by the M.D. and Board, refer to Appendix A.*

All lands within a reasonable and finite distance of 1 mile on both sides of the shared border between the Municipalities were identified as the lands comprising the "Fringe Area".



All future planning orchestrated by the Plan will occur within, and only within, the Fringe Area. Any future development planning outside of the de facto 1 mile Fringe area is outside of the jurisdiction of this Plan thus, being the sole jurisdiction and discretion of the Municipality where such development is proposed to take place.

#### *4.1 DISCRETIONARY LAND USE REGULATIONS FOR FRINGE AREA*

Uses identified within both Municipalities' Land Use Bylaw/order in regard to their District regulations are acceptable for review with no specific needs for exclusion. Moreover, substantive industrial development (i.e. the development of a Wind Energy Conversion System (WECS), etc.) in the Fringe Area will serve as an instance where future review and negotiation must commence if a circumstance arises that would affect the neighboring Municipality in a positive or negative way. Furthermore, a few other discretionary lands use within the Fringe Area will trigger a more thorough review due to sensitivity and proximity to land uses within the neighboring Municipality that would be affected by development in the Fringe area. Therefore, such development in the Fringe Area that would adversely affect the neighboring landowners must be placed under review by the necessary Council to provide discretionary judgement on the proposed land use in question.

### **5.0 LANDS WITHIN FRINGE AREA**

Future land use within the Fringe Area shall be aligned with the Municipal Development Plan from the respective municipal jurisdiction the lands fall within.

#### *5.1 AGRICULTURAL QUALITY*

The primary land usage within the Fringe Area is of an agricultural nature. With such importance being placed on the accessibility and availability of agricultural land for current and potential landowners within the Fringe Area, the conservation of land specifically designated for agricultural purposes will be of the utmost importance for both Municipalities.

Regarding the potential for future development of agricultural lands, both Municipalities have identified that the lands within the Fringe Area are of marginal viability and, consequently, indicate that no enhanced or special capabilities exist or are planned for such lands.

#### *5.2 ENVIRONMENTAL COGNIZANCE*

The lands within the IDP boundary contain important Environmentally Significant Areas (ESAs) such as native grasslands, wetlands and drainage courses in addition to essential wildlife, bird and fish habitat. Policies within this IDP should ensure development occurs in a manner that does not negatively impact important natural landscapes.

The Municipalities agree that:

- a) Both Municipalities shall endeavor to protect ESAs, other significant natural areas and resources from inappropriate development.
- b) No development should be approved on lands deemed to be environmentally sensitive without appropriate studies and a mitigation strategy.

- c) Where development is proposed near natural features or lands deemed to be environmentally sensitive, the approving Municipality, at their sole discretion, may require an Environmental Impact Assessment (EIA) to be conducted by a qualified professional to determine how the features can be preserved and incorporated as part of the development, ensuring any development impacts are mitigated.
- d) Both Municipalities should consider the provincial *Wetland Policy and Stepping back from the Water-A Beneficial Management Practices Guide for New Development* when making land use decisions with the goal of sustaining the environment and economic benefits.
- e) Where development is proposed on lands that may contain a Historical Resource Value (HRV), a Historical Resource Impact Assessment (HRIA) may be required to be completed by the developer to the satisfaction of the Municipality and Alberta Culture and Tourism. The developer must comply with the *Historical Resources Act* and Alberta Culture and Tourism.

### 5.3 TRANSPORTATION

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

However, any substantive development that would pose any change in normal traffic patterns for the neighboring Municipality or would incur any infrastructural wear or damage to the neighboring 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 damaged due to the neighboring Municipality's development priorities will be the responsibility of the developing Municipality that damaged said infrastructure.

### 5.4 BORDER DEVELOPMENTS AND PRIORITIES

Neither Municipality have 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 plans to share, utility services between the M.D. and the Board. Consequently, a shared agreement regarding 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.

## 6. 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, preventing incompatible developments. 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 pre-existing land uses.

Both Municipalities recognize similar land uses and rural activities due to their similar zoning of Agriculture Districts in the Fringe Area. Both Municipalities shall support development within the Fringe Area provided 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.

#### **7. CONFINED FEEDING OPERATIONs (CFOs) AND NATURAL RESOURCE AND CONSERVATION BOARD (NRCB) APPLICATIONS**

Due to the lands within the Fringe Area being primarily used for agricultural purposes, the possibility of a CFO development proposal in the Fringe Area is not improbable. That being said, the nature of large-scale feedlot and intensive livestock operations and the important issues of air quality and groundwater proximity, exclusion zones are acknowledged and identified for those operations falling under the jurisdiction of the NRCB authority as established by the *Agricultural Operations and Protection Act*.

However, due to the high level of risk for groundwater contamination in many lands within the Fringe Area, the development of a CFO may not be permitted within the Fringe Area by the Municipality. Moreover, the natural terrain of many lands within the Fringe Area would preclude a prospective developer from indicating a safe and adequate area for such a large development to take place in any instance.

#### **8. RESOURCE EXTRACTION & ENERGY DEVELOPMENT**

Resource extraction and energy development is important to the local economy. Further, it is important resource extraction and energy development operations occur in a manner compatible with adjacent land uses and minimizes offsite impacts to ensure sustainable economic, environmental and social outcomes.

The Municipalities agree that:

- a) When making decisions regarding a resource extraction or energy development proposal, both Municipalities shall take into consideration impacts on existing land use, residents, landowners and future land use in both Municipalities.
- b) Each Municipality must be notified of any resource extraction or energy development proposal in the other Municipality that will result in access being required from a road under its control or management.
- c) Either Municipality may require an agreement regarding the construction, repair, or maintenance of any municipal roads which may be impacted by resource extraction or

energy development, when the development requires access to come from the other Municipality's road.

- d) The Municipalities shall consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution when evaluating applications for new or expanded resource extraction activities including pits, or other extractive activities, where they maintain jurisdiction.

## 9. ADJUDICATION PROCESS FOR APPLICATIONS WITHIN FRINGE AREA

The IDP calls for the referral only of all subdivision, development, and planning applications within the Fringe Area, and in no circumstance will there be a need for joint review and adjudication. Therefore, the process of review and adjudication of applications shall be initiated and undertaken by the affected Municipality.

## 10. REFERRAL PROCESS FOR APPLICATIONS WITHIN FRINGE AREA

Continuous collaboration and communication between both Municipalities is essential for effective coordination of land use planning at a regional level for successful implementation and administration of the IDP.

All subdivision, development, and planning applications, especially for those discretionary land uses identified in section 4.1 or those that involve shared transportation linkages or environmentally sensitive areas shall be referred to each Municipality for comment and review prior to the municipal adjudication process.

The referral process will be as follows:

1. The Municipality proposing development requiring special discretion in the Fringe Area shall share information, data or studies, and road plans that may have implications for the affected Municipality.
2. The proposing Municipality shall refer to other possible proposed statutory plans, concept plans, land use bylaw/order and amendments to any of these documents where such proposals may affect land within the Fringe Area.
3. The affected Municipality shall have **twenty-one (21) days** to review and comment on any referrals. The affected Municipality may request an extension of the initial review period. The proposing Municipality sending the referral may agree to an extension of the review period and, where an extension is provided, it shall be communicated in writing.
4. Subject to a written and signed intermunicipal memorandum of understanding, items subject to referral and their respective timelines for submitting comments may be amended without the need for a formal amendment to this Plan.



5. Planning and development issues identified during a circulation review through the referral process will be communicated to the proposing Municipality in writing. To facilitate the cooperative development process, the Municipalities shall address the issues or source of contention using the following process:

**Stage 1: Administrative Review**

Every attempt shall be made to discuss the issue between the Municipalities' CAO/Chair 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 affected 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 is comprised of the Administrator and one elected official from each Municipality, less those who serve on the SDAB.

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 the development matter will be left to the respective Municipality's Development Authority for adjudication, with the objecting Municipality having the ability to refer the matter to the dispute resolution process as outlined for an approved development permit or subdivision applications.
- e) If the Intermunicipal Planning Committee reaches consensus and resolves the issue, the details of the consensus shall be provided to the Municipalities in writing.

## **11. DISPUTE RESOLUTION**

Adopting a dispute resolution process is a requirement under Part 17 of the *MGA*. The intent of a dispute resolution process is to resolve, or attempt to resolve, any conflicts between municipalities. By following the process below disputes can be avoided, or where necessary, resolved through facilitated mediation. The process provides the Municipalities the opportunity to come to a resolution at the municipal level. If a resolution cannot be achieved, the matter could be resolved through arbitration and/or brought before the Municipal Government Board.



The Municipalities agree that:

- a) Both Municipalities shall be responsible for documenting and maintaining records of all meetings and exchanges throughout the dispute resolution process.
- b) Administration from each Municipality shall ensure the facts of the issue have been thoroughly investigated and information is made available and transparent to both parties.
- c) Costs incurred through the dispute resolution process shall be shared equally by both Municipalities.
- d) Notifying and engaging any affected parties or members of the public will be at the discretion of each Municipality. Each Municipality shall ensure they are meeting requirements and processes outlined in relevant public participation policies for notifying and engaging members of the public or affected parties.
- e) Should mediation be required through the dispute resolution process; the powers and responsibilities of the mediator will be limited to providing recommendations to both Municipalities.
- f) Should arbitration be required through the dispute resolution process; every order of an arbitrator is final and binding on all parties.
- g) In the case of a dispute involving the adoption of a statutory plan, Land Use Bylaw/Order or amendment to such, an appeal may be filled without prejudice, within thirty (30) days of adoption to the Municipal Government Board, in accordance with Section 690 (1) of the *MGA* so the provincial statutory right and timeframe to appeal is not lost.
- h) An appeal may be withdrawn if an agreement is reached between the Municipalities prior to the Municipal Government Board meeting.

A dispute shall be addressed and may be resolved at any stage using the following process:

**Stage 1: Dispute Resolution Process**

In the event of a dispute to any part of this agreement, a statutory planning document, Land Use Bylaw/Order or subdivision, the following process will be used to resolve the conflict:

- a) When the administration of a Municipality identifies a potential issue with the interpretation of a technical or procedural matter of the Plans policies, either party may give written notice to the other identifying the areas of conflict, initiating the dispute resolution process.
- b) Once notice of the conflict has been received, both Municipalities shall discontinue any action pertaining to the matter in disagreement until a resolution has been determined.

- c) Within fifteen (15) days of receiving written notice of an identified conflict, a meeting shall be convened between the administration directly involved in the matter to attempt to come to a solution. This will generally include a member of planning staff and the CAO/Chair of each Municipality. If a solution to the disagreement is reached, then staff from each Municipality shall take the necessary steps to implement the resolution.
- d) Within fifteen (15) days of Administration being unable to resolve the disagreement, a meeting shall be convened between administrations from both Municipalities, the Board and Council to discuss possible resolutions and attempt to reach consensus on the issue.
- e) Should the Board and Council be unable to resolve the matter within thirty (30) days, a formal mediation process to facilitate resolution of the issue shall be initiated. The facilitated mediation process will involve two Council members, two Board members and the CAO/Chair from each Municipality, as well as a mediator mutually agreed upon by both Municipalities. The representatives from the Board and Council will be decided at the time of mediation.
- f) If the dispute resolution process is not completed within one year from the date the notice of the dispute is given, either Municipality may request the Minister to appoint an arbitrator pursuant to the regulation outlined in the *MGA*.

## **Stage 2: Appeal Process**

If mediation proves to be unsuccessful, was not undertaken, or the proposing Municipality proceeds with an approval that does not reflect the accepted mediation recommendations, the affected Municipality may appeal the matter to the MGB in accordance with section 690(1) of the *MGA*.

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

Both the M.D. and Board agree that time shall be of the essence when working through the dispute resolution process.

## **12. IMPLEMENTATION, ADMINISTRATION, REVIEW, AMENDMENTS AND REPEAL OF IDP**

If one or both Municipalities deem the IDP no longer relevant, the bylaw/order adopting the IDP will need to be repealed by both Municipalities. However, an IDP is a mandatory requirement under the *MGA*. As such, the Plan may only be repealed for the purpose of being replaced by a new IDP at the time of the repeal.

The Municipalities agree that:

- a) The Plan shall only be repealed if mutually agreed upon by both Municipalities and under the condition the Plan will be replaced with a new IDP adopted by both Municipalities at the time of repeal.
- b) Should only one Municipality wish to repeal the Plan, sixty (60) days notice will need to be given to the other Municipality stating the intent and reasons for repealing the Plan. Both Council and the Board must pass a Bylaw/Order repealing the IDP and adopting a new IDP for the repeal to take effect.
- c) Should only one Municipality wish to repeal the IDP, the dispute resolution process (Section 11 of this Plan) shall be initiated.



APPENDIX A:

