



BYLAW NO. 2019-08

MUNICIPAL DISTRICT OF SMOKY RIVER NO. 130 **INTERMUNICIPAL DEVELOPMENT PLAN BYLAW**

- PURPOSE:** Being a Bylaw of Birch Hills County in the Province of Alberta, to adopt an Intermunicipal Development Plan.
- WHEREAS** A Bylaw of Birch Hills County, in the Province of Alberta, for the purpose of adopting the Intermunicipal Development Plan of Birch Hills County and the Municipal District of Smoky River No. 130, pursuant to the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta 2000, and amendments thereto.
- WHEREAS** The Councils of the Birch Hills County and the Municipal District of Smoky River No. 130 have recognized the need to cooperate in the planning of future land use and development along the shared common municipal boundary;
- AND WHEREAS** Section 631 of the Municipal Government Act provides for two or more municipalities to jointly prepare an Intermunicipal Development Plan for an area of common interest or concern.
- NOW THEREFORE** the Council of Birch Hills County, duly assembled, enacts as follows:
1. This Bylaw may be cited as the "MD of Smoky River IDP Bylaw".
 2. The Intermunicipal Development Plan of Birch Hills County and the Municipal District of Smoky River No. 130, attached to this bylaw as Schedule "A", is hereby adopted.
 3. This Bylaw may be amended by Bylaw in accordance with the Municipal Government Act, as amended.
 4. This Bylaw shall come into effect on the date of the third and final reading.

READ a first time this 11th day of July, 2019

READ a second time this 15th day of August, 2019

READ a third time this 26th day of September, 2019

Signed this 26th day of September, 2019

Original to be signed

Reeve
Gerald Manzulenko

Original to be signed

Chief Administrative Officer
Hermann Minderlein

Intermunicipal Development Plan

Birch Hills County / Municipal District of Smoky River No. 130



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A. INTRODUCTION

- 1) The Birch Hills County (Birch Hills) and Municipal District of Smoky River No. 130 (Smoky River) have agreed to undertake the process for preparing and adopting an Intermunicipal Development Plan (IDP).
- 2) The Municipalities recognize that all municipalities are equals and have the right to growth and development.
- 3) The purpose of the IDP is to accomplish the following within the Plan Area:
 - a) Ensure orderly development.
 - b) Establish a framework for attracting economic opportunities;
 - c) Improve opportunities to secure a long-term economic base for the region;
 - d) Ensure the municipalities are development ready and future oriented in their efforts to attract economic activity;
 - e) Ensure that the municipalities are developed in a manner that is equitable and fair to the residents of the municipalities; and
 - f) To identify areas for Municipal District growth and development.

B. MUNICIPAL PROFILES

Birch Hills County

Birch Hills County covers an area of approximately 290,597 hectares (718,080 acres), with a population of 1,553. Birch Hills County also contains the five hamlets, including Eaglesham, Peoria, Tangent, Wanham, Watino. Birch Hills County is bordered by seven rural municipalities. The economy of Birch Hills County has traditionally centered on agriculture, oil and gas developments, and recreation developments.



Municipal District of Smoky River No. 130

Municipal District of Smoky River No. 130 covers an area of approximately 288,279 hectares (712,353 acres), with a population of 2,023 (Federal Census, 2016). The Municipal District surrounds four urban municipalities – the towns of Falher and McLennan and the Villages of Donnelly and Girouxville. The Municipal District also contains the Hamlets of Guy and Jean Cote, and is bordered by four rural municipalities. The economy of Municipal District of Smoky River No. 130 has traditionally centered on agriculture, with some oil and gas developments, and recreation developments around the lakes.



C. LEGISLATIVE REQUIREMENTS

- 1) The MGA identifies the following as matters to be addressed for lands within the boundary of the IDP:
 - a) Future land use;
 - b) Proposals for and the manner of future development;
 - c) Conflict resolution procedures;
 - d) Procedures to amend or repeal the plan; and
 - e) Provisions relating to the administration of the plan.

D. PLAN AREA

- 1) The Intermunicipal Development Plan Area (the Plan Area) is a 1.6 kilometer (1 mile) boundary on either side of the intermunicipal border that separates the County and the Municipal District as shown on Map 1 in Section Q.
- 2) Both municipalities acknowledge that a significant amount of land in the Plan Area is Crown Land under the jurisdiction of the Provincial Government.

E. GOALS

- 1) The following are goals that have been identified by the Municipalities for the Plan Area. Some of the goals are of an on-going nature while some may be seen as more time specific.
 - a) Development of land use policies to protect prime agricultural lands from premature re-designation, subdivision, and non-farm development.
 - b) Effective coordination of transportation systems and protection of required land for future road network developments.
 - c) Development of land use policies to ensure that future sites for recreation areas are considered.
 - d) Development of a plan for the provision of utility corridors within the Plan Area to provide for future growth and development within the IDP area and to ensure oil and gas development/pipelines do not inhibit or restrict the future development of the region.
 - e) Development of a plan for the provision of future broadband and water lines in the Plan Area to provide for future growth and development within the IDP area.

- f) Identification and protection of physical features and environmentally sensitive areas.
- g) Effective referral mechanisms and dispute resolution mechanisms.
- h) Effective plan administration and implementation.

F. FUTURE GROWTH & ECONOMIC DEVELOPMENT

- 1) The municipalities have agreed to work together to promote and support economic development that benefits both municipalities.
- 2) The municipalities shall continue to encourage agricultural activity as the primary economic driver in the local area.

G. LAND USE POLICIES

- 1) Birch Hills County and the Municipal District of Smoky River No. 130 agree that the long term land use planning concept for the Plan Area is consistent with the future land use designations depicted on Map 1. For up-to-date Land Use Designations please see the respective Land Use Bylaws.
 - a) The predominate land use shall remain Agricultural (A) as permitted by the Birch Hills County and Agricultural (A) as permitted by the Municipal District of Smoky River No. 130's Land Use Bylaws as outlined on Map 1.
 - b) First Parcel out farmstead / residential development may be allowed throughout the Plan Area in accordance with the respective requirements of the Municipal District's Municipal Development Plan and Land Use Bylaw.
 - a) No amendments to this IDP are required for land use bylaw amendments or first parcel out farmstead/residential developments which meet the criteria of Section G(1)(a) and Section G(1)(b), that both municipalities agree are consistent with the provisions contained within the IDP, as amended from time to time.
- 2) Both Municipalities shall strive to engage in effective dialogue when considering land use in the Plan Area, while maintaining complete jurisdiction on lands within their own boundaries.
- 3) All subdivision applications, Land Use Bylaw redesignations, and Area Structure Plans within the Plan Area will be referred to the other Municipality for comment. All development permit applications approved by the either Municipality's Development Authority shall be in accordance with the provisions of this Plan. Any disputes shall be dealt with through the procedure outlined within Section O of this document.

- 4) All new or expanding Confined Feeding Operations within the Plan Area requiring registrations or approvals and manure storage facilities requiring authorization under the Agricultural Operations Practices Act shall be referred to the other Municipality for comment.
- 5) 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.
- 6) Both Municipalities shall support watershed management and protection best practices.
- 7) The Municipalities agree that development of lands that are within the Plan Area may contain a historically significant site. Should an area be deemed to have some historical significance, the developer may be required to conduct a Historical Resource Impact Assessment (HRIA) and should contact the appropriate Provincial Government Department regarding the development.
- 8) The following land use provisions will apply to all new agricultural development within the Plan Area:
 - a) Both Municipalities agree that agriculture and grazing will continue to be the primary use of land in the Plan Area, and non-agricultural uses should be considered only in such areas where they will not negatively impact agriculture and grazing.
 - b) Both Municipalities will 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 Agricultural guidelines.
 - c) Both municipalities will endeavour to limit and where possible reduce the spread of noxious weeds and pests.
 - d) If disputes or complaints in either Municipality 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.
- 9) The following land use provisions will apply to all new recreation development within the Plan Area:
 - a) The Municipalities may collaborate to develop existing informal recreational areas or create new recreational opportunities related to camping, fishing, boat launches, and historic trail.
 - b) In accordance with the Intermunicipal Collaboration Framework, prior to any joint municipal recreation developments proceeding the Municipalities will enter into a cost sharing agreement to share the costs associated with the proposed development based on the prorated benefit to each Municipality.

- 10) All appeals of developments and subdivisions within the Plan Area will be considered by the governing Municipality's Subdivision and Development Appeal Board, excepting those where there is a Provincial requirement for the appeal to be referred to the Municipal Government Board.
- 11) All development permit applications approved by the Municipality's Development Authority shall be in accordance with the respective Municipal Development Plan and Land Use Bylaw and applicable Area Structure Plans. Any disputes shall be dealt with through the procedure outlined within Section O of this document.
- 12) Buffers or similar mechanisms to mitigate potential conflict between non-compatible uses shall be required by the Municipal District where appropriate.
- 13) Existing developments that were approved through a subdivision or development process prior to the approval of this Intermunicipal Development Plan shall remain in place.
- 14) An Area Structure Plan will be required for any multi-lot subdivisions in the Plan Area. Multi-lot subdivisions shall be considered to be any subdivision which will create four or more lots in addition to the remnant parcel, on a quarter section, excluding quarter sections containing both a farmstead/undeveloped country residential site and fragmented parcel.
- 15) Multi-lot subdivisions located within 1.6km of the centre line of a provincial highway must be developed in accordance with Section 14, 15 and 16 of the Subdivision and Development Regulations. As such, Area Structure Plans may be required by Alberta Transportation for multi-lot subdivisions within this area.
- 16) All Municipal Development Plan amendments, subdivision applications, Land Use Bylaw amendments, and Area Structure Plans within the Plan Area will be referred to the other municipality for comment. All development permit applications approved by the Municipal District Development Authority shall be in accordance with the provisions of this Plan. Any disputes shall be dealt with through the procedure outlined within Section O of this document.
- 17) In considering subdivision and development permit applications in the Plan Area, the respective Municipality Subdivision and Development Authorities will ensure the proposed project is compatible with the adjacent uses and conforms to the intent of Map 1 and the land use policies contained herein.
- 18) Within the Plan Area, Environmental Reserve shall be dedicated when lands along water bodies and water courses are subdivided in accordance with the appropriate Environmental Impact Assessment or alternate study prepared by a qualified professional.
- 19) All future Area Structure Plans should contemplate:
 - a) Environmental Reserve locations along water bodies and water courses
 - b) Municipal Reserve locations to ensure future provision of schools and community amenities.

- c) Requirements as outlined by Alberta Transportation including, but not limited to:
 - i) Impacts on the transportation system.
 - ii) Pedestrian accommodation.
 - iii) Access management requirements for the provincial highways.
 - iv) Future road right-of-way requirements.

20) Essential public and private utilities services may be allowed throughout the Plan Area to provide the desired level of service in the Plan Area. An Area Structure Plan is not required for the development of essential public service or private utility services.

H. ENVIRONMENTAL MATTERS

- 1) All agricultural operators and other users are encouraged to continue best efforts to maintain high standards of water quality.
- 2) Land use and development in flood prone areas are generally discouraged, but where it is considered by the host municipality, it shall be carefully regulated such that there is no negative effect on the adjacent municipality.
- 3) Landowners and residents are encouraged to follow water conservation practices, as established by their respective municipality.
- 4) Both municipalities will endeavour to protect tributaries that flow through the Plan Area.
- 5) Both municipalities will endeavour to ensure all sources of potable water supplies within their respective jurisdictions are protected and meet provincial guidelines for water quality.
- 6) Development of lands within the Plan Area may impact environmentally significant sites. Development in these areas may be required to:
 - a) conduct an environmental impact assessment (EIA); and,
 - b) contact Alberta Environment and Parks regarding the development.
- 7) Development setbacks from waterbodies and watercourses shall be enforced as per each municipalities Land Use Bylaw and applicable policies.

I. INFRASTRUCTURE SERVICES

- 1) The Municipalities agree to work together to support the development of municipal infrastructure, including but not limited to, broadband, water and wastewater required to service future developments within the Plan Area.
- 2) In accordance with the Intermunicipal Collaboration Framework, prior to any joint municipal infrastructure developments proceeding the Municipalities will enter into a cost sharing agreement to share the costs associated with the proposed development based on the prorated benefit to each Municipality.

J. TRANSPORTATION SYSTEMS

- 1) The Municipalities will work together to ensure an efficient transportation network is developed and maintained to service the residents and businesses within the IDP area.
- 2) When subdivisions are approved in the Plan Area, all right-of-way requirements will be secured to ensure that long-term transportation and road plans can be implemented when warranted.
- 3) 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.
- 4) Prior to subdivision and/or development Alberta Transportation may require the preparation of an Area Structure Plan and/or Traffic Impact Assessment for developments located 1.6 km of the centre line of a highway and within the Plan Area.

K. RESOURCE DEVELOPMENT & UTILITY CORRIDORS

- 1) The municipalities will work with representatives from industry including, but not limited to oil and gas and telecommunication industries to promote resource infrastructure development which does not negatively impact existing and/or future development within the Plan Area.
- 2) Both municipalities agree to refer all oil and gas infrastructure and telecommunication infrastructure related applications in the Plan Area to the neighbouring municipality for review and comment.
- 3) The municipalities support the development of broadband and communications infrastructure in the Plan Area and region. As such, the municipalities will work collaboratively to promote and encourage broadband and communications infrastructure.

L. INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 1) All appeals of developments and subdivisions within the Plan Area will be considered by the Birch Hills County or Municipal District of Smoky River No. 130 Subdivision and Development Appeal Board.

M. COMMUNICATION AND REFERRAL PROCESS

- 1) The Municipalities agree to refer the following planning proposals within the Plan Area as per the following chart:

Planning Proposal Type	Maximum Response Period
a) Municipal Development Plans and Municipal Development Plan amendments	21 days
b) Area Structure Plans, Area Redevelopment Plans and amendments	21 days
c) Land Use Redesignations	21 days
d) Subdivisions	21 days
e) Road Access/Use	14 days

- 2) The response period indicated in Section M(1), may be extended upon written notice from the responding municipality.
- 3) Notwithstanding Section M(1), either municipality may elect to circulate additional items to the neighbouring municipality for comment.
- 4) The Municipalities shall offer comments from the perspective of specific implications that have a high likelihood of impacting their own efforts around land use planning and provisions of municipal services and infrastructure. General observations on issues that have no bearing on the planning or service delivery efforts of the other Municipality shall be avoided.
- 5) Both municipalities shall strive, to the best of their ability and knowledge, to refer all notices of government projects within the Plan Area to the other municipality.
- 6) Within the Plan Area, both municipalities are encouraged to share with the other the results of all publicly available technical analysis, submitted as part of development applications.

N. PLAN ADMINISTRATION AND IMPLEMENTATION

- 1) Adoption Process:
 - a) This IDP and any amendments shall be adopted by bylaw by the Municipalities in accordance with the Municipal Government Act, R.S.A., c M-26, as amended.
 - b) Any amendments to the Municipal Development Plans and Land Use Bylaws of the Municipalities required to implement the policies of the Intermunicipal Development Plan should occur as soon as practical following adoption of this IDP.

- 2) Approving Authorities:
 - a) In the hierarchy of statutory plans, the Intermunicipal Development Plan shall take precedence over the other municipal statutory plans.
 - b) Each Municipality shall be responsible for the administration and decisions on all statutory plans, land use bylaws, and amendments thereto within their boundaries.

- 3) Plan Amendments & Repeal:
 - a) An amendment to this Plan may be proposed by either municipality. An amendment to the Plan proposed by a landowner shall be made to the municipality in which the subject land is located.
 - b) An amendment to this Plan has no effect unless adopted by both municipalities by bylaw in accordance with the Municipal Government Act, R.S.A., c M-26, as amended.
 - c) In the event that either the Birch Hills County or the Municipal District of Smoky River No. 130 determines this Plan is no longer acceptable, either municipality may initiate the process to repeal this Plan. The following shall be followed to repeal the Plan:
 - i) Either municipality may give the other municipality written notice of its intention to repeal the plan.
 - ii) Within thirty days of the written notice, an Intermunicipal Committee meeting shall be convened.
 - iii) Following the Intermunicipal Committee meeting, the municipality initiating the repeal procedure may either withdraw its intention to repeal the Plan by giving written notice to the other municipality or proceed to consider a bylaw in accordance with the Municipal Government Act to repeal the plan.
 - iv) Once one municipality has passed a bylaw to repeal the Plan the other municipality shall also proceed to pass a bylaw repealing the plan.
 - d) In accordance with the Municipal Government Act, should this Plan be repealed, the Municipal Districts shall initiate the development of a subsequent Intermunicipal Development Plan.

4) Intermunicipal Cooperation

- a) The Municipalities agree to create a recommending body known as the Intermunicipal Committee (hereinafter referred to as the Committee).
- b) The Committee will meet on an as required basis and will develop recommendations to the Municipalities Councils on all matters of strategic direction and cooperation affecting residents, except matters where other current operating structures and mechanisms are operating successfully. The topics to be discussed will include:
 - i) Long-term strategic growth plans for the Municipalities as may be reflected in the Intermunicipal Development Plan, Municipal Development Plans, Area Structure Plans and other strategic studies.
 - ii) Intermunicipal and regional transportation issues including the Transportation and Utility Corridors and truck routes.
 - iii) Prompt circulation of major land use, subdivision and development proposals in either municipality which may impact the other municipality; and
 - iv) The discussion of intermunicipal or multi-jurisdictional issues in lieu of a regional planning system.
- c) The Committee shall consist of four members, being two Councillors from each Municipality.
- d) The Chief Administrative Officers, or designate(s), will be advisory staff to the Committee, responsible to develop agendas and recommendations on all matters, and for forwarding all recommendations from the Committee to their respective Councils.

5) Plan Review

- a) Annually, the Municipalities CAOs, or designates shall determine the advisability of any amendments to the Plan. If an amendment is deemed necessary by both municipalities then the results of the review shall be presented to the Committee; within one month of the anniversary of the adoption of this Plan. The Committee shall determine if any amendments are to be proceeded with and direct municipal administration to commence with a public plan amendment process. If the Committee does not agree that a particular amendment shall proceed then neither municipality shall proceed with that amendment.
- b) Once every five years, commencing no later than 2024, the IDP will be formally reviewed by the Committee in conjunction with the Intermunicipal Collaboration Framework in order to confirm or recommend amendment of any particular policy contained herein. The Committee will prepare recommendations for consideration by the municipal councils.

O. DISPUTE RESOLUTION

- 1) The Municipalities agree that the following process shall be used to resolve or attempt to resolve disputes between the Municipalities arising from the following:
 - a) Lack of agreement on proposed amendments to the Plan;
 - b) Lack of agreement on any proposed statutory plan, land use bylaw or amendment thereto for lands located within or affecting the Plan Area; or
 - c) Lack of agreement on an interpretation of this plan.
- 2) Lack of agreement pursuant to Section O(1)(a) or (b) is defined as a statutory plan, land use bylaw or amendment to either which is given first reading by a Council which the other Council deems to be inconsistent with the policies of this Plan or detrimental to their planning interests as a municipality.
- 3) A dispute shall be limited to the decisions on the matters listed in Section O(1). Any other appeal shall be made to the appropriate approving authority or appeal board that deals with that issue.
- 4) The dispute resolution process may only be initiated by either Municipalities Councils.
- 5) Identification of a dispute and the desire to go through the dispute resolution process may occur at any time regarding a Section O(1)(c) dispute matter and may only occur within 30 calendar days of a decision made pursuant to Section P(2). Once either municipality has received written notice of a dispute, the dispute resolution process must be started within 15 calendar days of the date the written notice was received, unless both Chief Administrative Officers agree otherwise.
- 6) In the event that the dispute resolution process is initiated, the municipality having authority over the matter shall not give any further approval in any way until the dispute has been resolved or the mediation process has been concluded.
- 7) In the event that mediation does not resolve the dispute, the Municipality may proceed to adopt the bylaw and, in accordance with the Municipal Government Act, the other municipality will have the right to appeal to the Municipal Government Board.
- 8) The Intermunicipal Committee will be the forum used in relation to any disputes.

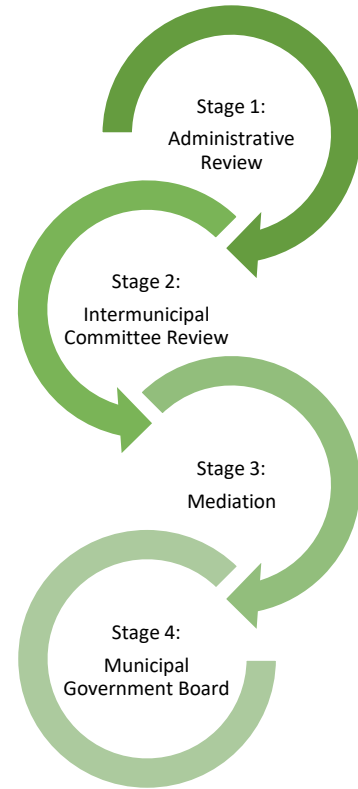
Dispute Resolution Process

Stage 1 Administrative Review - The Chief Administrative Officers of both municipalities will meet in an attempt to resolve the issue first. Failing resolution, the dispute will then be referred to the Intermunicipal Committee. In the event that a resolution is not achieved by the 30th day following the first meeting of the Chief Administrative Officer of both Municipalities, either municipality may refer the dispute to the Intermunicipal Committee.

Stage 2 Intermunicipal Committee Review – The Committee will convene to consider and attempt to resolve the dispute. In the event that a resolution is not achieved by the 30th day following the first meeting of the Intermunicipal Committee, either municipality may refer the dispute to mediation.

Stage 3 Mediation – The services of an independent mediator will be retained, with the mediator to present a written recommendation to both Councils. The costs of mediation shall be shared equally between the Municipalities.

Stage 4 Municipal Government Board – In the event that the mediation process does not resolve the dispute, the Municipality may proceed to adopt the bylaw and, in accordance with the Municipal Government Act, the other municipality will have the right to appeal to the Municipal Government Board.



P. CORRESPONDENCE

1) Written notice under this Plan shall be addressed as follows:

a. In the case of the Municipal District of Smoky River No. 130 to:

**Municipal District of Smoky River No. 130
c/o Chief Administrative Officer
PO Box 210
Falher, Alberta T0H 1M0**

b. In the case of Birch Hills County to:

**Birch Hills County
c/o Chief Administrative Officer
PO Box 157
Wanham, AB T0H 3P0**

2) In addition to Section P(1), notices may be sent by electronic mail to the Chief Administrative Officer.

IN WITNESS WHEREOF the parties have affixed their corporate seals as attested by the duly authorized signing officers of the parties as of the first day above written.

MUNICIPAL DISTRICT OF
SMOKY RIVER NO. 130

BIRCH HILLS COUNTY

Reeve

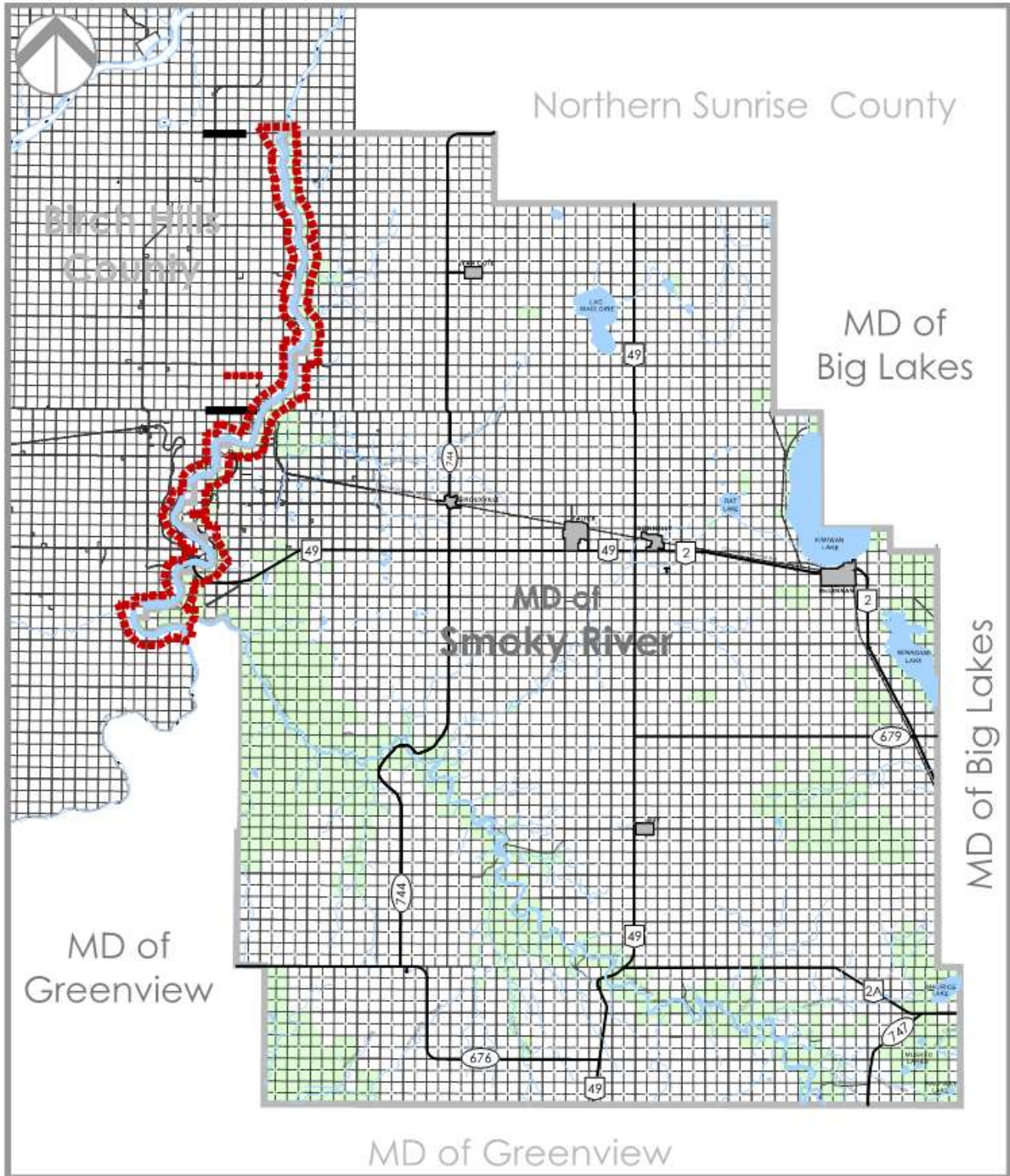
Reeve

Chief Administrative Officer
Bylaw No. 19-915

Chief Administrative Officer
Bylaw No. 2019-08

Q. MAPS

Map 1: Plan Area Boundaries & Land Use Concept (for up-to-date Land Use Designations please see the respective Municipalities Land Use Bylaw)



- Legend
- Intermunicipal Development Plan Area
 - Crown Land
 - Water Bodies

MD of Smoky River
& Birch Hills County
Intermunicipal Development Plan
Map 1: Plan Area & Land Use Concept