



BYLAW NO. 2019-10

BIRCH HILLS COUNTY / SADDLE HILLS COUNTY INTERMUNICIPAL DEVELOPMENT PLAN BYLAW

PURPOSE: A Bylaw of Birch Hills County in the Province of Alberta, for the purpose of establishing an intermunicipal development plan with the Saddle Hills County.

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, 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 Birch Hills County wishes to adopt an intermunicipal development plan with the Saddle Hills County

NOW THEREFORE the Council of Birch Hills County, duly assembled, enacts as follows:

1. This Bylaw may be cited as the "Saddle Hills County IDP Bylaw".
2. The Intermunicipal Development Plan of Birch Hills County and the Saddle Hills County, 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 26th day of September, 2019

READ a second time this 24th day of October, 2019

READ a third time this 24th day of October, 2019

Signed this 24th day of October, 2019

Original to be signed

Reeve
Gerald Manzulenko

Original to be signed

Chief Administrative Officer
Hermann Minderlein



SCHEDULE A
INTERMUNICIPAL DEVELOPMENT PLAN

Between

Saddle Hills County

Bylaw No. 366-2019

Birch Hills County

Bylaw No. 2019-10

(Version 2019-10-01)

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1. INTRODUCTION

- 1.1. In accordance with the Municipal Government Act (“MGA”) Saddle Hills County and Birch Hills County have agreed to undertake the process for preparing and adopting an Intermunicipal Development Plan (IDP).
- 1.2. Saddle Hills County and Birch Hills County recognize that all municipalities are equals and have the right to grow and develop.

2. MUNICIPAL PROFILES

Saddle Hills County

Saddle Hills County covers an area of approximately 587,700 hectares (1,452,000 acres), with a population of 2,225 (Federal Census, 2016). The County contains one hamlet, and is bordered by five Alberta municipalities (Municipal District of Spirit River, Birch Hills County, County of Grande Prairie, Clear Hills County, Municipal District of Fairview) and is adjacent the Peace River Regional District in British Columbia. The economy of Saddle Hills County is predominantly agriculture and natural resource extraction.



Birch Hills County

Birch Hills County covers an area of approximately 290,597 hectares (718,080 acres), with a population of 1,553 (Federal Census, 2016). The Municipality contains five hamlets, and is bordered by eight municipalities (Municipal District of Smoky River, Municipal District of Fairview, Municipal District of Greenview, Municipal District of Spirit River, Municipal District of Peace, Northern Sunrise County, County of Grande Prairie and Saddle Hills County).

The economy of Birch Hills County is predominantly agriculture and natural resource extraction.



3. LEGISLATIVE REQUIREMENTS

- 3.1. The MGA identifies the following as matters to be addressed for lands within the boundary of the IDP:
 - 3.1.1. Future land use;
 - 3.1.2. Proposals for and the manner of future development;
 - 3.1.3. Conflict resolution procedures;
 - 3.1.4. Procedures to amend or repeal the plan; and
 - 3.1.5. Provisions relating to the administration of the plan.

4. PLAN AREA

- 4.1. The IDP Area (the Plan Area) is an 800 meter (one half mile) boundary on either side of the intermunicipal border that separates the municipalities (Map 1).

5. GOALS

- 5.1. The following are goals that have been identified by Saddle Hills County and Birch Hills County for the Plan Area. Some of the goals are of an on-going nature while some may be seen as more time specific.
 - 5.1.1. Development of land use polices to protect prime agricultural lands from premature re-designation, subdivision, and non-farm development.
 - 5.1.2. Effective coordination of transportation systems and protection of required land for future road network developments.
 - 5.1.3. Development of land use policies to ensure that future sites for recreation areas are considered.
 - 5.1.4. Development of a plan for the provision of utility corridors within the Plan Area to provide for future growth and development of the IDP area and to ensure oil and gas development/pipelines do not inhibit or restrict the future development of the region.
 - 5.1.5. Identification and protection of physical features and environmentally sensitive areas.
 - 5.1.6. Effective referral mechanisms and dispute resolution mechanisms.
 - 5.1.7. Effective plan administration and implementation.

6. CURRENT EXISTING CHARACTERISTICS OF THE PLAN AREA

- 6.1. Current existing characteristics of the Plan Area (Map 2) include:
 - 6.1.1. Agricultural:
 - 6.1.1.1. There is a mix of agricultural operations including grazing and dry land farming.
 - 6.1.1.2. The majority of the land within the Plan Area is designated as Agricultural (A) and Crown Land (CL) Districts.
 - 6.1.2. Residential Development:
 - 6.1.2.1. The residential development within the Plan Area is comprised of residential farm housing within the Agricultural District serviced by individual Private sewage systems and water sources.

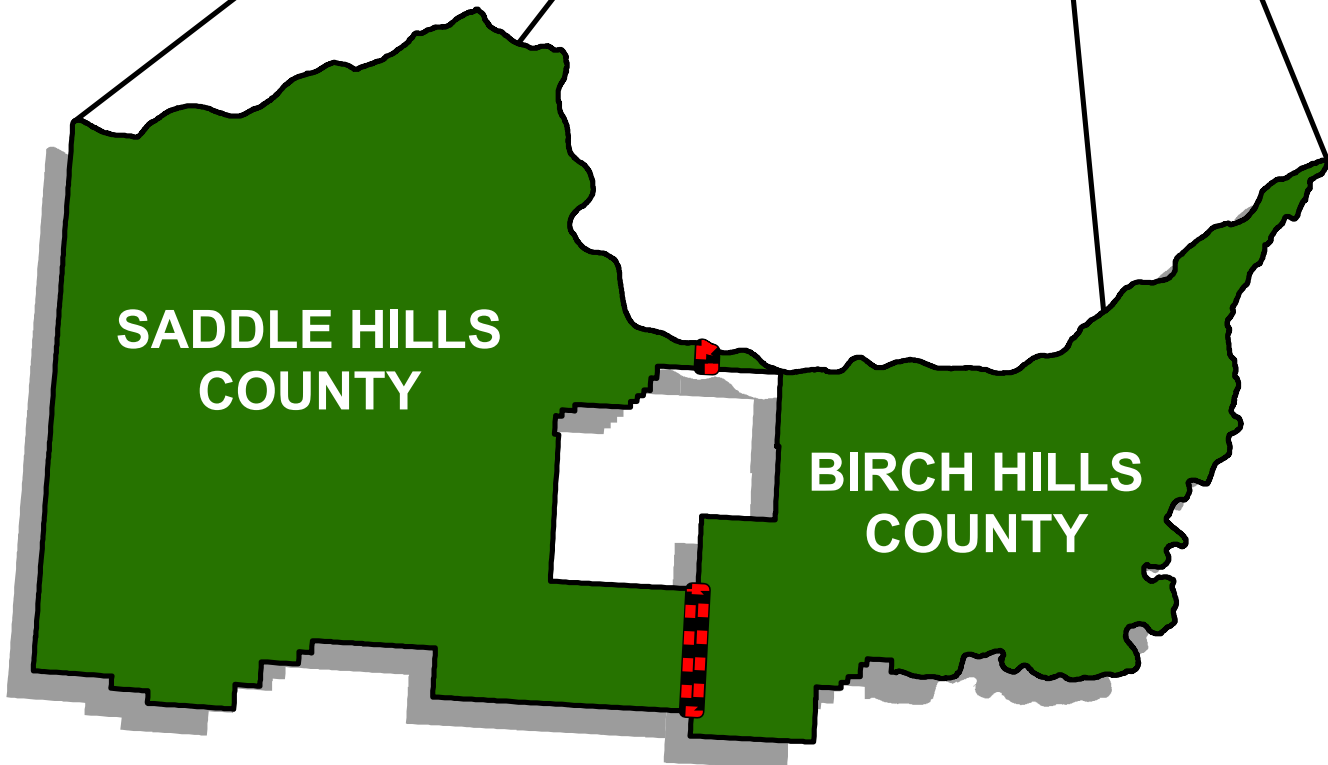
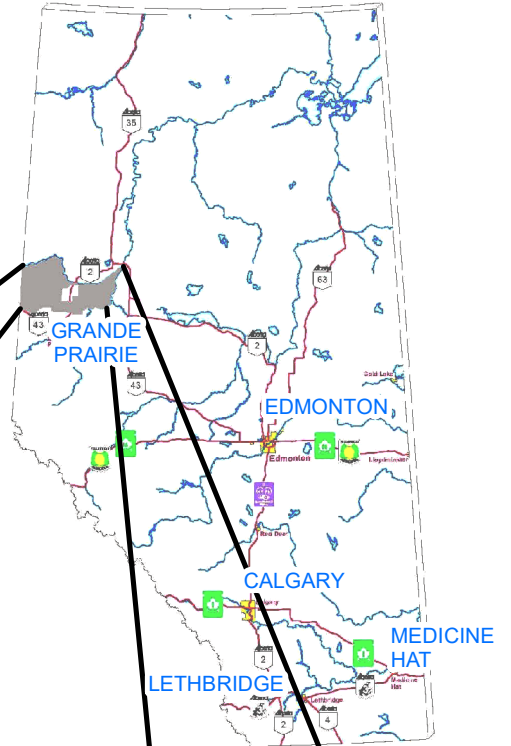
- 6.1.3. Transportation Infrastructure:
 - 6.1.3.1. Two Provincial Highways, Highways 2 and 49, as well as several secondary highways are used to access both municipalities.

- 6.1.4. Peace River Watershed:
 - 6.1.4.1. Both Saddle Hills County and Birch Hills County are located within the Peace River Watershed.

- 6.1.5. Environmentally Sensitive Areas:
 - 6.1.5.1. There are several environmental areas within the Plan Area as identified on Map 3.

INTERMUNICIPAL DEVELOPMENT PLAN

SADDLE HILLS COUNTY
BIRCH HILLS COUNTY



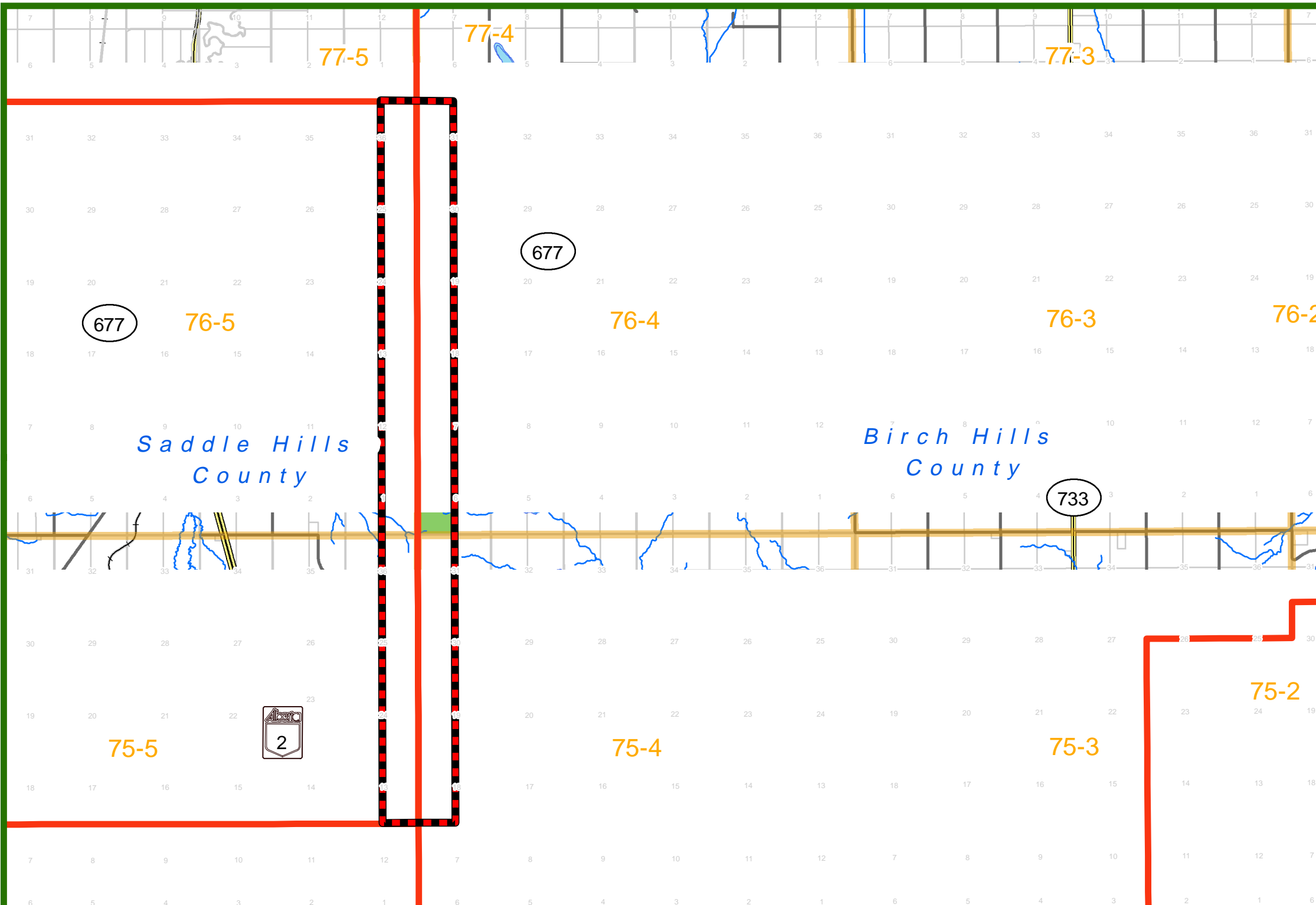
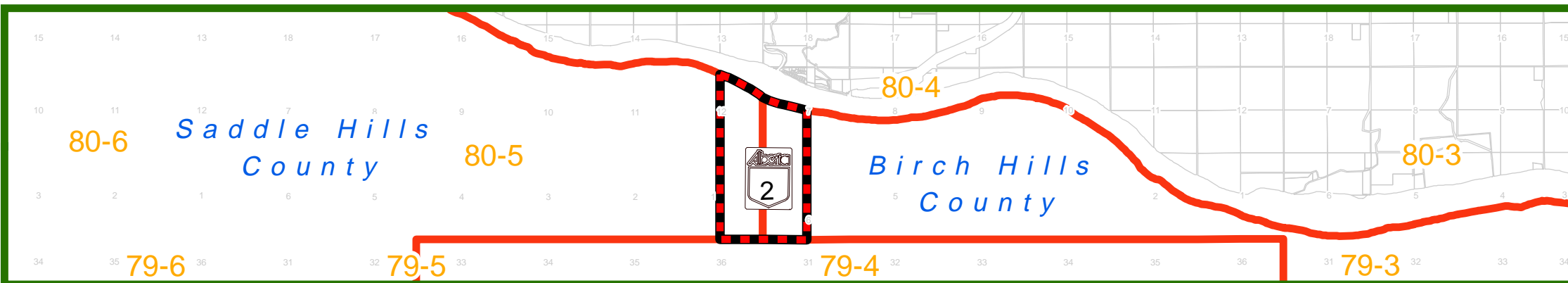
7. LAND USE POLICIES

- 7.1. 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.
- 7.2. All 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 either municipality's Development Authority shall be in accordance with the provisions of this IDP. Any disputes shall be dealt with through the procedure outlined within Section 16 of this document.
- 7.3. 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.
- 7.4. Both municipalities agree to jointly discuss ways to cooperate with provincial and federal agencies as well as utility providers to help facilitate the efficient delivery of infrastructure and services that are of a mutual benefit.
- 7.5. Saddle Hills County and Birch Hills County shall strive, to the best of their ability and knowledge, to refer all notices of government projects within the Plan Area to the adjacent municipality.
- 7.6. Within the Plan Area, both municipalities are encouraged to share with the other municipality the results of all publically available technical analysis, submitted as part of development applications, where there is potential for impacts on land and bodies of water within the adjacent municipality.
- 7.7. Both municipalities shall support watershed management and protection best practices.
- 7.8. Saddle Hills County and Birch Hills County 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.






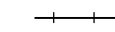


10. ENVIRONMENTAL MATTERS

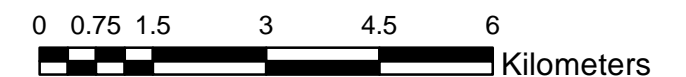
- 10.1. Saddle Hills County and Birch Hills County agree that development proposed in proximity to any and all named water courses shall be carefully evaluated for any impacts on water quality.
- 10.2. Saddle Hills County and Birch Hills County support the work of the Peace River Watershed Alliance.
- 10.3. The municipalities shall encourage all agricultural operators and others to continue best efforts to maintain high standards of water quality.
- 10.4. Land use and development in flood prone areas is 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.
- 10.5. Landowners and residents shall be encouraged to follow water conservation practices, as established by their respective municipality.
- 10.6. 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.
- 10.7. Saddle Hills County and Birch Hills County agree that development of lands within the Plan Area may impact environmentally significant sites identified on Map 3. Development in these areas may be required to:
 - 10.7.1. conduct an environmental impact assessment (EIA); and/or
 - 10.7.2. contact Alberta Environment and Parks.

Map 3 - Environmentally Sensitive Areas



LEGEND:

-  Plan Area Boundary
-  Municipal Boundary
-  Provincial Highway (Paved)
-  Provincial Highway (Gravel)
-  Municipal Developed Roads
-  Railway
-  Environmentally Sensitive Areas
-  Wetlands
(Source - 2016 Alberta Merged Wetland Inventory)



11. MUNICIPAL INFRASTRUCTURE

- 11.1. Saddle Hills County and Birch Hills County agree to work together to support the development of municipal infrastructure required to service developments within the Plan Area.
- 11.2. Prior to any joint municipal infrastructure developments proceeding the municipalities will enter into a cost sharing agreement to share the costs of the development based on the prorated benefit to each municipality.

12. TRANSPORTATION SYSTEMS

- 12.1. Saddle Hills County and Birch Hills County will work together to ensure a safe and efficient transportation network is developed and maintained to service the farm operations, residents and businesses within the Plan Area.
- 12.2. 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.
- 12.3. 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.

13. UTILITY CORRIDORS

- 13.1. The continued demand for the location or telecommunications infrastructure and utility servicing has the potential to impact land use within municipalities; however, the municipalities are aware that the jurisdiction of utility approvals is outside of their direct control:
 - 13.1.1. Where there is an application for a new, expanded or retrofitted telecommunications tower within the Plan Area, both parties shall notify the other Municipality to seek their comments.
 - 13.1.2. When providing a Letter of Concurrence for a new, expanded or retrofitted telecommunications tower, both parties shall request telecommunications companies to co-locate on an existing tower within the Plan Area where technically feasible.
 - 13.1.3. When providing comments to provincial and federal departments regarding utility development within the Plan Area, both parties shall request that consideration be given to the establishment of utility corridors with multiple users.
- 13.2. Both parties shall also acknowledge that the development of the oil and gas industry has played an integral part in the development of the region. Both

parties will work with the oil and gas industry to ensure that the orderly development of the Plan Area is not unduly restricted by the development of oil and gas infrastructure, including pipelines.

14. PLAN ADMINISTRATION AND IMPLEMENTATION

14.1. Adoption Process

14.1.1. This IDP and any amendments to it shall be adopted by bylaw by Saddle Hills County and Birch Hills County in accordance with the MGA.

14.1.2. Any amendments to the Municipal Development Plans and Land Use Bylaws of Saddle Hills County and Birch Hills County required to implement the policies of the IDP should occur as soon as practicable, following adoption of this IDP or any amendment to the IDP that establishes or amends policies within this IDP.

14.2. Approving Authorities

14.2.1. In the hierarchy of statutory plans, the IDP shall take precedence over the other municipal statutory plans.

14.2.2. Each municipality shall be responsible for the administration and decisions on all statutory plans, land use bylaws, and amendments thereto within their boundaries.

14.3. Plan Amendments

14.3.1. 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.

14.3.2. An amendment to this Plan has no effect unless adopted by both municipalities by bylaw in accordance with the MGA.

14.4. Intermunicipal Cooperation

14.4.1. The municipalities agree to create a recommending body known as the Intermunicipal Committee (hereinafter referred to as the Committee).

14.4.2. The Committee will meet on an as required basis and will develop recommendations to the municipal Councils on all matters of strategic direction and cooperation affecting the municipality's residents, except matters where other current operating structures and mechanisms are operating successfully. The topics to be discussed will include:

14.4.2.1. Long-term strategic growth plans for the municipalities as may be reflected in the IDP, Municipal Development Plans,

Area Structure Plans and other strategic studies.

14.4.2.2. Intermunicipal and regional transportation issues including the Transportation and Utility Corridors, truck routes.

14.4.2.3. Prompt circulation of major land use, subdivision and development proposals in either municipality which may impact the other municipality; and

14.4.2.4. The discussion of intermunicipal or multi-jurisdictional issues in lieu of a regional planning system.

14.4.3. The Committee shall consist of four members, being two Councillors from each municipality.

14.4.4. The Chief Administrative Officers and/or designated staff 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.

14.5. Plan Review

14.5.1. Once every five years, 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.

15. CIRCULATION AND REFERRAL PROCESS

15.1. Saddle Hills County and Birch Hills County agree to refer the following planning proposals within the Plan Area:

15.1.1. Municipal Development Plans and Municipal Development Plan amendments (28 day response period).

15.1.2. Area Structure Plans, Area Redevelopment Plans and amendments (21 day response period).

15.1.3. Land Use Re-designations (21 day response period).

15.1.4. Subdivisions (21 day response period).

15.1.5. Development permits for discretionary uses (21 day response period).

15.1.6. Road access requests/notices (21 day response period).

16. DISPUTE/CONFLICT RESOLUTION

16.1. Saddle Hills County and Birch Hills County agree that the following process shall be used to resolve or attempt to resolve disputes between the municipalities arising from the following:

16.1.1. Lack of agreement on proposed amendments to the IDP;

- 16.1.2. Lack of agreement on any proposed statutory plan, land use bylaw or amendment thereto for lands located within or affecting the Plan Area; or
 - 16.1.3. Lack of agreement on an interpretation of this IDP.
- 16.2. Lack of agreement pursuant to section 16.1.1 or 16.1.2 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.
- 16.3. A dispute shall be limited to the decisions on the matters listed in section 16.1. Any other appeal shall be made to the appropriate approving authority or appeal board that deals with that issue.
- 16.4. The dispute resolution process may only be initiated by either of the municipal Councils.
- 16.5. Identification of a dispute and the desire to go through the dispute resolution process may occur at any time regarding a dispute matter outlined in section 16.1.3 and may only occur within 30 calendar days of a decision made pursuant to section 16.1.
- 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.
- 16.6. In the event 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.
- 16.7. In the event mediation does not resolve the dispute, the municipality may proceed to adopt the bylaw and in accordance with the MGA, the other municipality will have the right to appeal to the Municipal Government Board.
- 16.8. The Committee formed under the Intermunicipal Collaboration Framework will be the forum used in relation to any disputes.

Dispute/Conflict 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 Committee. In the event a resolution is not achieved by the 30th day following the first meeting of the Chief Administrative Officers of both municipalities, either municipality may refer the dispute to the Committee.

Stage 2 - Committee Review

The Committee will convene to consider and attempt to resolve the dispute. Failing resolution, the dispute will then be referred to mediation. In the event a resolution is not achieved by the 30th day following the first meeting of the Committee, either municipality may refer the dispute to the Mediation.

Stage 3 - Mediation

The services of an independent mediator will be retained, with the mediator to present a written recommendation to both municipal Councils. The costs of mediation shall be shared equally between the municipalities.

Stage 4 - Municipal Government Board

In the event 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.

17. CORRESPONDENCE

17.1. Written notice by mail under this Plan shall be addressed as follows:

17.1.1 In the case of Saddle Hills County to:

Saddle Hills County
Attention: Chief Administrative Officer
RR 1
Spirit River, Alberta T0H 3G0

17.1.2 In the case of Birch Hills County to:

Birch Hills County
Attention: Chief Administrative Officer
Box 157
Wanham, Alberta T0H 3P0

17.2 In addition to section 17.1, notices may be sent by electronic mail to the Chief Administrative Officer.