

Intermunicipal Development Plan

Municipal District of Willow Creek No. 26 Bylaw 1892

Town of Stavely Bylaw 818

March 2021

Prepared for:

MD of Willow Creek

and

STAVELY
ALBERTA
IN THE HEART of FARMING and RANCHING

By:

OLDMAN RIVER REGIONAL SERVICES COMMISSION

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MUNICIPAL DISTRICT OF WILLOW CREEK NO. 26
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1892

BEING a bylaw of the Municipal District of Willow Creek No. 26 in the Province of Alberta, to adopt an Intermunicipal Development Plan between the Municipal District of Willow Creek No. 26 and the Town of Stavely pursuant to sections 631 and 692 of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, as amended;

WHEREAS municipalities are required by the province to expand intermunicipal planning efforts to address planning matters that transcend municipal boundaries through an intermunicipal development plan;

AND WHEREAS both the Councils of the Municipal District of Willow Creek No. 26 and the Town of Stavely agree that it is to their mutual benefit to establish joint planning policies and this negotiation and agreement reflects a continuing cooperative approach between the two municipalities and the desire to see well-planned, orderly, and managed growth.

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* as amended, the Council of the Municipal District of Willow Creek No. 26 duly assembled hereby enacts the following:

1. That the Town of Stavely and Municipal District of Willow Creek No. 26 Intermunicipal Development Plan, attached hereto, be adopted.
2. This plan, upon adoption, shall be cited as the Town of Stavely and Municipal District of Willow Creek No. 26 Intermunicipal Development Plan Bylaw No. 818 and Bylaw No. 1892.
3. This bylaw shall come into effect upon third and final reading thereof.

READ a first time this 10th day of March, 2021.

Reeve – Maryanne Sandberg Chief Administrative Officer – Derrick Krizsan

READ a second time this 10th day of March, 2021.

Reeve – Maryanne Sandberg Chief Administrative Officer – Derrick Krizsan

READ a third time and finally PASSED on this 10th day of March, 2021.

Reeve – Maryanne Sandberg Chief Administrative Officer – Derrick Krizsan

BYLAW
Bylaw Number 818

TOWN OF STAVELY
IN THE PROVINCE OF ALBERTA

BYLAW NO. 818

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1. That the Town of Stavely and Municipal District of Willow Creek No. 26 Intermunicipal Development Plan, attached hereto, be adopted.
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3. This bylaw shall come into effect upon third and final reading thereof.

READ a **first** time this 22nd day of FEBRUARY, 2021.

Mayor – Gentry Hall *Chief Administrative Officer* – Candice Greig

READ a **second** time this 22nd day of MARCH, 2021.

Mayor – Gentry Hall *Chief Administrative Officer* – Candice Greig

READ a **third** time and finally PASSED this 22nd day of MARCH, 2021.

Mayor – Gentry Hall *Chief Administrative Officer* – Candice Greig

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Municipal District of Willow Creek No. 26 and Town of Stavely

INTERMUNICIPAL DEVELOPMENT PLAN

PART A: INTRODUCTION

1. BACKGROUND

An Intermunicipal Development Plan (IMDP) is a statutory document prepared for and adopted by two or more municipalities, which deals with land use planning matters of mutual interest.

The adoptions of this plan are the result of a collaborative effort by the Town of Stavely (Town) and the Municipal District of Willow Creek (MD) in addressing sensitive land use issues in close proximity to the Town. Dialogue between the Town and the Municipal District through a committee of Oldman River Regional Services Commission (ORRSC) planning staff and administration has reviewed the existing Municipal Development Plans (MDPs) and addressed land use issues within the plan boundary.

Both municipalities can be commended in their intermunicipal and municipal planning efforts as defined by their respective MDPs and Land Use Bylaws. But with the adoption of the *South Saskatchewan Reginal Plan* and mandated Intermunicipal planning by the province, clearly defined plans with respect to growth directions and land management adjacent to urban areas need to be agreed upon for both urban and rural municipalities. The complexity of IMDPs requires unique problem solving, negotiation and cooperation to reach mutual agreement. This document sets out the framework for the municipalities' efforts in intermunicipal planning.

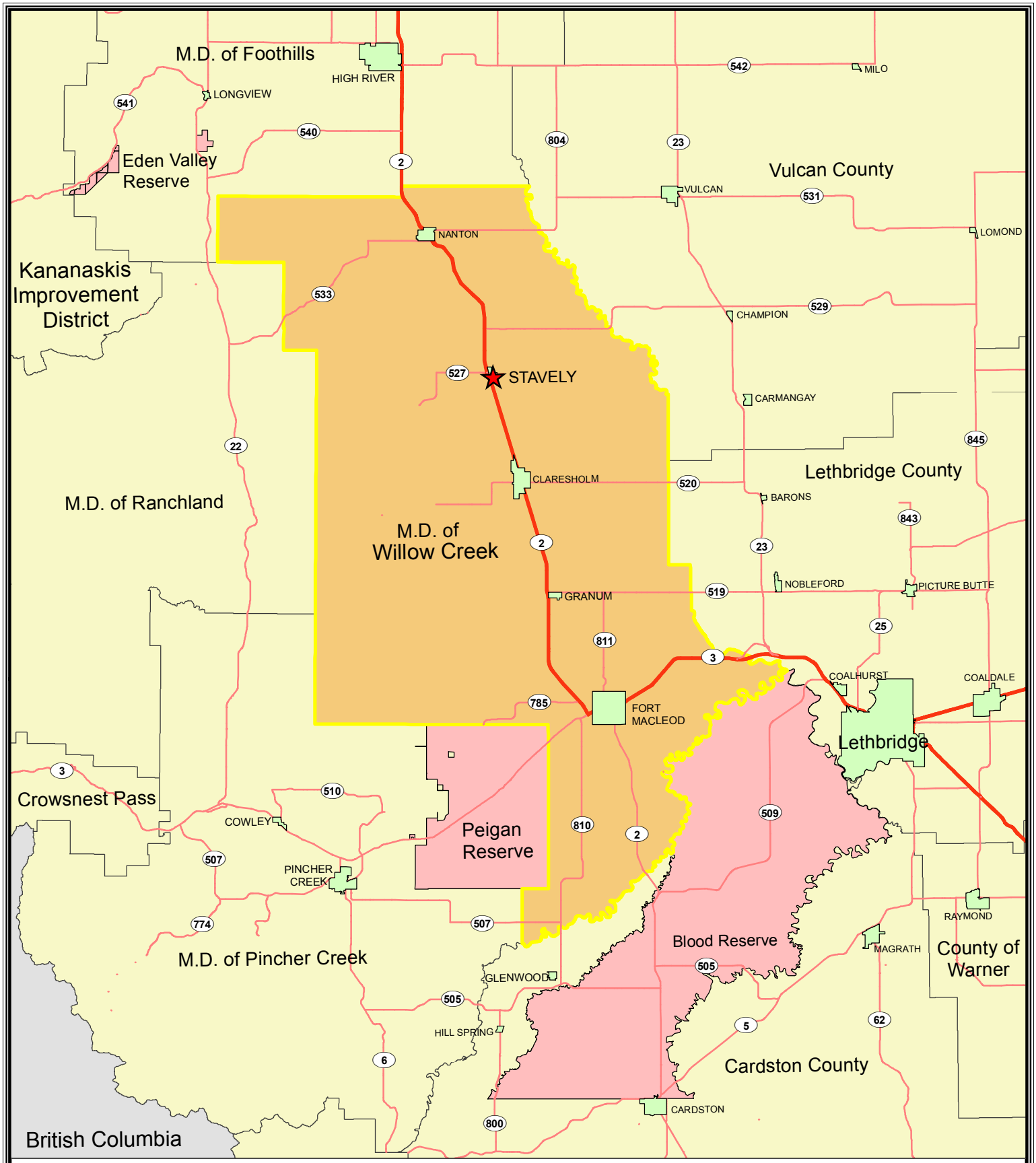
2. PLAN PREPARATION PROCESS

The Oldman River Regional Services Commission undertook a review of the present planning documents and many common areas of agreement were realized and discussed with Staff from both municipalities. The results were compiled into a document entitled "Background Report to the Intermunicipal Development Plan: Municipal District of Willow Creek – Town of Stavely". The background report set the stage for the creation of the Intermunicipal Development Plan.

This plan reflects the collaboration of both municipalities and the landowners. An open house was scheduled in advance of a mandatory public hearing required by the *Municipal Government Act* (MGA). At the discretion of both Councils, the document was then adopted by individual bylaws.

3. INTENT AND APPLICATION

The purpose of this Intermunicipal Development Plan, in accordance with the MGA, is to prescribe policy for future land use and development, and any other matters relating to the physical, social or economic development of an area that the councils of the Town and Municipal District consider necessary. As well, it plans for orderly and properly controlled development surrounding the urban area which allows for timely expansion with minimal land use conflicts.



TOWN OF STAVELY
BYLAW # 818

M.D. OF WILLOW CREEK No. 26
BYLAW # 1892

INTERMUNICIPAL DEVELOPMENT PLAN
REGIONAL LOCATION MAP

MAP 1

Town of Stavely

Municipal District of Willow Creek

Primary Highway

Secondary Highway

MD of Willow Creek

Oldman River Regional Services Commission

0 5 10 20 30

Kilometers

N

This Intermunicipal Development Plan applies to the lands as shown on the IMDP Boundaries Map, Map 2.

4. GOALS AND OBJECTIVES

GOALS

It is the intent of the councils of the Town of Stavely and Municipal District of Willow Creek that the objectives and policies of this plan be governed by the goals stated below:

- To facilitate orderly and efficient development in the designated referral area while identifying each municipality's opportunities and concerns.
- To identify the land uses each municipality envisages for the referral area.
- When practical, to harmonize both municipalities' development and subdivision standards and requirements.
- To identify possible joint ventures, such as the provision of municipal services.
- To provide for a continuous and transparent planning process that facilitates ongoing consultation and cooperation among the two municipalities and affected ratepayers.
- To provide methods to implement and amend the various policies of the plan which are mutually agreed to by both municipalities.

OBJECTIVES

The following objectives shall be used as a framework for the policies of this plan and its implementation:

- To discourage the fragmentation of agricultural land and to prevent the premature conversion of agricultural lands in the referral area to non-agricultural uses.
- To recognize the continued viability of both communities by providing development in the referral area that:
  (a) fosters a healthy environment, and
  (b) seeks to minimize conflict when expansion becomes necessary.
- To direct country residential and other non-agricultural development to locations which are least disruptive to the agricultural community and to orderly urban expansion.
- To assist appropriate approval authorities to exercise control over confined feeding operations, industrial or other development which may have a potentially adverse impact on existing and/or future land use.
- To maintain and promote a safe and efficient roadway network.
- To ensure development is serviced to standards appropriate to the location and type of development.

5. PLAN AREA

Both municipalities agree that the area affected by this plan includes all lands required to ensure the cooperation and coordination of land uses around the Town of Stavely. This plan contains one level of planning coordination around the town. The plan area shown in Map 2 acts as the referral area boundary and the CFO Exclusion Area boundary.

The Stavely referral area boundary encompasses approximately 2311.28 acres of land adjacent to the Town of Stavely as illustrated in Map 2 and contains the following:

- S ½ Sec 20 and 21, Twp 14 Rge 27 W4M
- SE ¼ Sec 19, Twp 14 Rge 27 W4M
- SW ¼ 22, Twp 14, Rge 27 W4M
- W ½ of Sec 3, 10 and 15, Twp 14 Rge 27 W4M
- All of sections 4, 5, and 16 Twp 14 Rge 27 W4M
- All portions of Sec 8, 9 and 17 Twp 14 Rge 27 W4M lying outside the Town boundary
- E ½ of Sec 6, 7 and 18, Twp 14 Rge 27 W4M.

From the perspective of both municipalities, maintaining the integrity of the Intermunicipal Development Plan is critical to the preservation of their long-term interests. This plan is based upon a shared vision of a future growth framework and reflects a mutual agreement on areas of growth for each municipality.

The main purpose of the referral area boundary is to act as a referral mechanism to ensure dialogue between the two municipalities regarding development adjacent to town. It should be noted that some of the lands contained within the plan boundary are already zoned, subdivided or developed for non-agricultural uses. It is understood that existing uses within either boundary are permitted and will continue operations.

However, the expansion or intensification of existing uses shall be required to meet the policies of this IMDP and the applicable land use bylaw. Those lands that have been previously redesignated or subdivided or both need to be reviewed in the context of this plan and amendments may be required to ensure that future development will comply with the mutually agreed upon growth pattern.

TOWN OF STAVELY
BYLAW # 818

M.D. OF WILLOW CREEK No. 26
BYLAW # 1892

INTERMUNICIPAL DEVELOPMENT PLAN BOUNDARY - REFERRAL AND CFO EXCLUSION AREAS

MAP 2

- Stavely Municipal Boundary
- IMDP Referral Boundary/CFO Exclusion Area
- Highways
- MD of Willow Creek Grouped Country Residential (GCR)
- MD of Willow Creek Rural Commercial (RC)
- MD of Willow Creek Vacant Country Residential (VCR)
- Entranceways

MD of Willow Creek

STAVELY ALBERTA

OLDMAN RIVER REGIONAL SERVICES COMMISSION

N

0 0.5 1 2

Kilometers

PART B: POLICIES

This document outlines policies that apply to lands in the plan area (referral area boundary) and is to be used as a framework for decision making in each municipality with input and cooperation of the other jurisdiction. Each municipality is responsible for decisions within their boundaries using the plan policies and the procedures provided in the plan.

This section of policy is intended to provide guidance to decision makers when considering land use approvals within the boundary. Approvals shall only be given to uses that are complementary to uses located in the adjacent jurisdiction. Other sections of this plan may also apply.

1. GENERAL REFERRAL AREA LAND USE

1.1 This plan acknowledges land use designations for isolated commercial, industrial and residential that existed prior to the adoption of this plan and as depicted on Map 2. Following adoption and for the purpose of managing land use around the Town of Stavely, the area will typically be designated as Rural General under the MD Land Use Bylaw.

1.2 Extensive agriculture will be the primary land use of the lands, until these lands are redesignated in a land use bylaw in accordance with this plan.

1.3 Prior to developing lands for urban residential or urban industrial/commercial uses, the first step may be to commence an annexation, IMDP amendment, area structure plan and redesignation process. These requirements are outlined in the following sections.

2. AGRICULTURE

2.1 Agriculture will continue to be the predominant land use in the Plan Area. The impact on agricultural uses should be a consideration when determining suitability of non-agricultural land uses in the Plan Area.

2.2 Both municipalities will strive to work cooperatively to encourage good neighbour farming practices, such as dust, soil erosion, weed and insect control, through best management practices and Alberta Agriculture guidelines.

2.3 If disputes or complaints in either municipality arise between landowners (or their designates) 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.

3. CONFINED FEEDING OPERATIONS

Confined Feeding Operations (CFOs) are a land use that may have an adverse effect on the urban area, however the approval authority for these operations is the Natural Resources Conservation Board (NRCB). Policies regarding CFOs are intended to state the position of the two participating municipalities for the lands that are subject to this plan.

These policies recognize that it is important for both jurisdictions to maintain a good quality of life and high quality environment and support all types of agriculture, as both are fundamental to growth and development within each of their municipality's.

3.1 New confined feeding operations (CFOs) are not permitted to be established within the Intermunicipal Development Plan Confined Feeding Exclusion Area as illustrated on Map 2, Referral / CFO Exclusion Area.

3.2 In regard to manure application on lands in the CFO Exclusion Area, the standards and procedures as outlined in the *Agricultural Operation Practices Act*, *Standards and Administration Regulation* shall be applied.

3.3 Both municipalities request the NRCB to circulate all applications for confined feeding operations' registrations or approvals within the Intermunicipal Development Plan Referral CFO Exclusion Area Boundary to each respective municipality.

3.4 Both Councils recognize and acknowledge that existing confined feeding operations located within the exclusion area will be allowed to continue to operate under acceptable operating practices and expand operations within the requirements of the *Agricultural Operation Practices Act* and Regulations.

3.5 The Town agrees that it will notify and consult with the MD prior to engaging the NRCB or other provincial authorities, should a problem or complaints arise regarding a CFO operator's practices.

3.6 For statutory plan consistency, as required under the *Municipal Government Act*, the MD Municipal Development Plan CFO policies and associated map shall be reviewed and should be updated to reflect the CFO Exclusion Area as defined by Map 2 within the first year of this Plan being adopted.

3.7 Consistent with the MD of Willow Creek's LUB and MDP, all applications regarding intensive livestock operation (ILO) and CFOs within the referral area shall be forwarded to the Town for review and comment.

4. GROUPED COUNTRY RESIDENTIAL DEVELOPMENT

The Municipal District of Willow Creek has had a strong policy of protecting agricultural land by being very restrictive with respect to the approval of grouped country residential (GCR) development, except for very specific areas of the municipality.

4.1 Lands considered high quality agricultural land shall not be subdivided for grouped country residential use.

4.2 Any proposal for grouped country residential within the designated referral area shall be required to make application to amend this plan and if adopted identify the area on Map 2 as potential group country residential.

4.3 A parcel or a lot that is used or intended to be used for grouped country residential development shall be designated grouped country residential in the Municipal District of Willow Creek Land Use Bylaw.

4.4 Prior to giving consideration to a redesignation request to grouped country residential in the Municipal District of Willow Creek Land Use Bylaw, the Municipal District shall require the applicant to submit and have approved an area structure plan.

5. COMMERCIAL AND INDUSTRIAL DEVELOPMENT

Commercial and industrial development applications can be expected and the following policies will ensure coordination with existing and future developments in the Town. The Municipal District may also benefit from development in specific locations.

5.1 Any proposal for commercial or industrial use within the designated referral area shall be required to make application to amend this plan and if adopted identify the area on Map 2 as a potential commercial or industrial area.

5.2 Home occupation - major shall be a discretionary use within the Municipal District of Willow Creek Land Use Bylaw.

6. INTERMUNICIPAL AGREEMENTS AND SERVICES

A high degree of cooperation currently exists between the two jurisdictions and further opportunities for joint activities on a wide variety of issues may become available in the future.

6.1 Both municipalities shall ensure that land development and servicing is coordinated, recognizing that:

(a) statutory plan compliance or amendment, land use redesignation, and subdivision to facilitate development are the first steps in land development,

(b) development shall be provided with suitable levels of service depending on its requirements and location, and

(c) the actions of regulatory authorities shall be coordinated with those of both municipalities, whenever possible.

6.2 To ensure that sewage disposal is given full consideration well in advance of development approval, the Town and the Municipal District agree that this shall be addressed as early as possible whenever land use decisions are being made. All appropriate standards are to be met.

6.3 It is recognized by the two municipalities that benefits can occur through cooperation and both may explore the option of sharing future services and/or revenues through an Intermunicipal Collaborative Framework or a special agreement.

6.4 It is agreed that if any environmental matters arise between the two municipalities within Town or referral area the administrations of either municipality will notify each other of the issue and seek a collaborative solution, where appropriate.

6.5 It is agreed that where intermunicipal programs relating to the physical, social and economic development of the area can be coordinated that both municipalities will seek to pursue such matters collaboratively, where appropriate.

7. SUBDIVISION CRITERIA

Although the subdivision process for the referral area will utilize the same policies as the rest of the MD, it is recognized that more evaluation may be necessary to minimize the potential for conflicts with existing or proposed uses and as outlined in this plan.

8. URBAN EXPANSION NEEDS

Identification of possible expansion areas provides an indication of lands that need to have special considerations. Policies are in place to ensure the opinion of all stakeholders into the expansion process.

8.1 In order to allow for the planning of infrastructure, the Town has identified in their Municipal Development Plan long-term directions of growth. The Town of Stavely's next area of growth is identified as the SW 16 Twp 14 Rge 27 W4M. Annexation of these lands may occur in the framework of this and other long-range planning documents and will be based upon orderly development.

8.2 The process of including the above noted lands into the Town shall be commenced by the Town over a period time after the adoption of this plan and continue as required in accordance with the *Municipal Government Act* including good faith council negotiations.

8.3 Annexation involves a number of stakeholders that need to be involved in the process including:

- land owners directly affected by the application must be part of the negotiation process;
- Town of Stavely, who must make the detailed case for annexation and be a major participant in any negotiations;
- MD of Willow Creek, who must evaluate the annexation application and supporting documentation for the impact on its financial status and land base as well as landowner issues. The MD will, as part of the negotiation with landowners, wish to see arrangements regarding, but not limited to:
  - property taxes,
  - use of land continuing as agriculture until needed for development, and
  - ability to keep certain animals on site;
- local authorities such as the Alberta Transportation and Alberta Environment;
- Municipal Government Board, who will evaluate the application and responses from the stakeholders.

8.4 Annexation boundaries shall follow legal boundaries and natural features to avoid creating fragmented patterns of municipal jurisdiction.

8.5 The Town and MD shall negotiate a formula for the determination of compensation on annexation. Negotiation may occur on any or all of the following:

- revenue or tax-sharing,
- off-site levies and levy transfers, and
- municipal reserve transfers.

9. WIND ENERGY CONVERSION SYSTEMS (WECS)

Wind Energy Conversion Systems (WECS) are a growing industry in southern Alberta and provides economic benefits to both urban and rural municipalities. As a land use, WECS structures can be imposing due to their size. Through municipal cooperation, it is hoped that the industry can expand and grow as a compatible land use.

9.1 The protection of agricultural lands and associated land uses shall be considered when decisions regarding wind power generation are made.

9.2 Both municipalities agree to have open dialogue on proposed developments.

10. SOLAR ENERGY SYSTEMS

Solar Energy Systems are a growing industry in southern Alberta and provides economic benefits to both urban and rural municipalities. As a land use, solar energy system, commercial/industrial can be imposing due to their land coverage. Through municipal cooperation, it is hoped that the industry can expand and grow as a compatible land use.

10.1 The protection of agricultural lands and associated land uses shall be considered when decisions regarding solar power generation are made.

10.2 Both municipalities agree to have open dialogue on proposed developments.

11. TRANSPORTATION CORRIDORS and COMMUNITY ENTRANCEWAYS

Transportation corridors and entranceways are key components to any land use planning document. Land use and transportation cannot be planned separately nor can two municipalities plan these components in isolation.

11.1 The Town and MD will cooperate on the development and approvals of all future Transportation Master Plans.

11.2 All subdivision proposals within the plan area shall secure all right-of-way requirements for future road expansion. Particular attention should be given to major intersections requirements.

11.3 The MD or Town may require an agreement regarding the protection, construction, repair, and maintenance of any municipal roads, which may be impacted by subdivision or development, when the development requires access to come from the adjacent municipality's road.

11.4 Standards for a hierarchy of roadways should be identified and established between the two jurisdictions. Access control regulations should also be established to ensure collectors and arterials are protected.

11.5 If required by Alberta Transportation or the municipality, at the time of subdivision or development, the developer shall conduct traffic studies with respect to impact and access onto Highways 2 and 527. Any upgrading identified by such studies shall be implemented by the developer at its sole cost and to the satisfaction of the municipality and Alberta Transportation.

11.6 Common standards of development adjacent the entranceways identified on Map 2 should be developed in each municipality's LUB and MDP. Standards should include but are not limited to landscaping, signage, screening and fencing. Architectural elements should enhance the visual appeal of intermunicipal entranceways.

11.7 Billboards, third party and off-premise signs along entranceways (Map 2) are prohibited.

11.8 Both municipalities agree to inform and invite the other municipality for all discussions with Alberta Transportation.

PART C: IMPLEMENTATION OF THE PLAN

The plan's implementation will be the ongoing responsibility of both councils whose actions must reflect the plan. The support and cooperation of each municipal staff, planning advisors, public and private organizations, and the general public will also be needed for implementation. The following guiding principles shall govern the plan's implementation:

1. The Town and Municipal District agree that they shall ensure that the policies of this plan are properly, fairly and reasonably implemented.

2. The Town and Municipal District shall monitor and review the policies of this plan on a regular basis or as circumstances warrant.

3. Where necessary, the Town and the Municipal District's Land Use Bylaws and Municipal Development Plans shall be amended to reflect the policies of this plan.

1. INTERMUNICIPAL DEVELOPMENT PLAN COMMITTEE POLICIES

INTENT

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

POLICIES

1.1 For the purposes of administering and monitoring the IMDP, the Town of Stavely and MD of Willow Creek establish the Intermunicipal Development Plan Committee (the Committee).

1.2 Both Councils agree the Intermunicipal Development Plan Committee will be an advisory body and may make comments or recommendations to the Town of Stavely and MD of Willow Creek. In its advisory capacity, the Committee does not have decision making authority or powers with respect to planning matters in either municipality.

1.3 The Committee will be comprised of two (2) members of Council from both the Town of Stavely and MD of Willow Creek. Each municipality may appoint an alternate Committee member in the event a regular member cannot attend a scheduled meeting. Alternate Committee members shall have standing. Quorum shall consist of four (4) voting members.

1.4 Members of the Committee shall be appointed by their respective Councils at the Organizational Meeting. If a Council wishes to appoint a new member to the Committee (including the alternate), they must do so by motion of Council at a regular Council meeting. The municipalities shall notify one another upon appointing members and alternate members to the Committee.

1.5 The municipalities agree that the purpose of the Committee is to:

(a) provide a forum for discussion of land use matters within the Plan Area,

(b) provide recommendation(s) for proposed amendments to the Plan,

(c) discuss and address issues regarding Plan implementation,

(d) review and provide comment on referrals under PART C: Section 2 and any other matters referred to the Committee,

(e) provide recommendation(s) regarding intermunicipal issues in an effort to avoid a dispute, and

(f) provide a forum for discussion of any other matter of joint interest identified by either municipality.

1.6 Meetings of the Committee may be held at the request of either municipality to discuss land use or other planning matters, dispute resolution, or any other matter of intermunicipal importance. Additionally, any matter in PART C: Section 2 may be referred by either municipality to the Committee for comment prior to a decision being rendered.

1.7 A municipality may call a meeting of the Committee at any time upon not less than five (5) days' notice of the meeting being given to all members of the Committee and support personnel, stating the date, the time, purpose and the place of the proposed meeting. The five (5) days' notice may be waived with ¾ of the Committee members' agreement noted.

1.8 The municipality that called the meeting of the Committee shall host and chair the meeting and is responsible for preparing and distributing agendas and minutes.

1.9 At least one (1) member of each municipality's administrative staff shall attend each meeting in the capacity of technical, non-voting advisor.

1.10 Any changes to the Committee format, composition, roles, responsibilities or any aspect of its existence or operation may be requested by either municipality.

1.11 Where a matter has been referred to the Committee and a resolution cannot be found, the Dispute Resolution process in PART C: Section 3 of this Plan shall be adhered to.

2. REFERRALS

This plan is designed with a referral system as outlined below.

Referral Area Intent

For the Referral area land use issues are addressed at five main points in the approval system including:

- municipal development plans and amendments,
- all other statutory plans and amendments,
- land use bylaws and amendments,

- subdivision of a parcel and any appeal,
- development approval and any appeal.

Each referral shall contain all available information for review and a municipality may request further information to be provided. In the case of all referrals, a written response is expected within 30 days.

Referral Policies

2.1 As the first step in the referral process, all applications within the plan boundary or proposed documents affecting the plan boundary shall be submitted to the Town or MD for comment. The full referral process is outlined in Figure 1 – Referral Flow Chart.

2.2 **Municipal Development Plan Amendments**

(a) A newly proposed MD of Willow Creek Municipal Development Plan or amendment that will have an impact on this plan shall be referred to the Town for comment.

(b) A newly proposed Town of Stavely Municipal Development Plan or amendment affecting the municipal expansion policies shall be referred to the MD for comment.

(c) The above referrals shall be made and considered prior to a public hearing.

2.3 **All Other Statutory Plans and Amendments**

(a) A newly proposed MD of Willow Creek statutory plan or amendment that will have an impact on this plan shall be referred to the Town for comment.

(b) A newly proposed Town of Stavely statutory plan or amendment affecting the municipal expansion policies shall be referred to the MD for comment.

(c) The above referrals shall be made and considered prior to a public hearing.

2.4 **Land Use Bylaws and Amendments (redesignation and text amendments)**

(a) All land use bylaw amendments in the MD of Willow Creek which change a land use district or a part of the Land Use Bylaw which would affect the policies of this plan shall be referred to the Town.

(b) The Town shall refer all redesignation applications that are located adjacent to the Town boundary.

(c) Any proposed new Land Use Bylaw in the MD or Town shall be referred to the other for comment.

(d) The above referrals shall be made and considered prior to a public hearing.

2.5 **Subdivision Applications**

(a) The MD shall refer all subdivision applications within the referral area boundary to the Town for comment.

(b) The Town shall refer all subdivision applications located on lands adjacent to the town boundary to the MD for comment.

(c) The above referrals shall be made and considered prior to a decision being made.

2.6 **Development applications**

(a) The MD shall refer all discretionary use applications located in the referral area boundary to the Town for comment and may refer permitted use applications if there are some conditions that may alleviate a perceived conflict with a Town property.

(b) The Town shall refer to the MD all discretionary use applications, if the application is adjacent to lands in the MD and any application involving a use of land or buildings which may have a noxious, hazardous or otherwise detrimental impact on land within the MD

(c) The above referrals shall be made and considered prior to a decision being made.

2.7 Municipalities are encouraged to refer any requests for approval to each other in areas not contained in this plan if some impact may occur in the other jurisdiction.

IMDP Referral Area Intent

For the IMDP Referral Area land use issues are addressed for specific uses in the approval system and reflect many policies already established in the MD of Willow Creek's Municipal Development Plan and Land Use Bylaw.

Each referral shall contain all available information for review and a municipality may request further information to be provided. In the case of all referrals, a timely written response is expected.

2.8 **CFO / ILO Development applications**

(a) The MD shall refer all CFO / ILO use applications located in the IMDP referral boundary to the Town for comment.

(b) The above referrals shall be made and considered prior to a decision being made.

2.9 **Grouped Country Residential Area Structure Plan or Redesignation applications**

(a) The MD shall refer all Grouped Country Residential Area Structure Plan or Redesignation applications located in the IMDP referral boundary to the Town for comment.

(b) The above referrals shall be made and considered prior to a decision being made.

2.10 **Coordination of Transportation Planning**

(a) The MD shall refer all transportation improvements located in the IMDP referral boundary to the Town for comment.

(b) The above referrals shall be made and considered prior to a decision being made.

Response Timelines

2.11 The responding municipality shall, from the date of mailing, have the following timelines to review and provide comment on intermunicipal referrals:

a) 15 calendar days for all development applications,

b) 19 calendar days for subdivision applications, and

c) 30 calendar days for all other intermunicipal referrals.

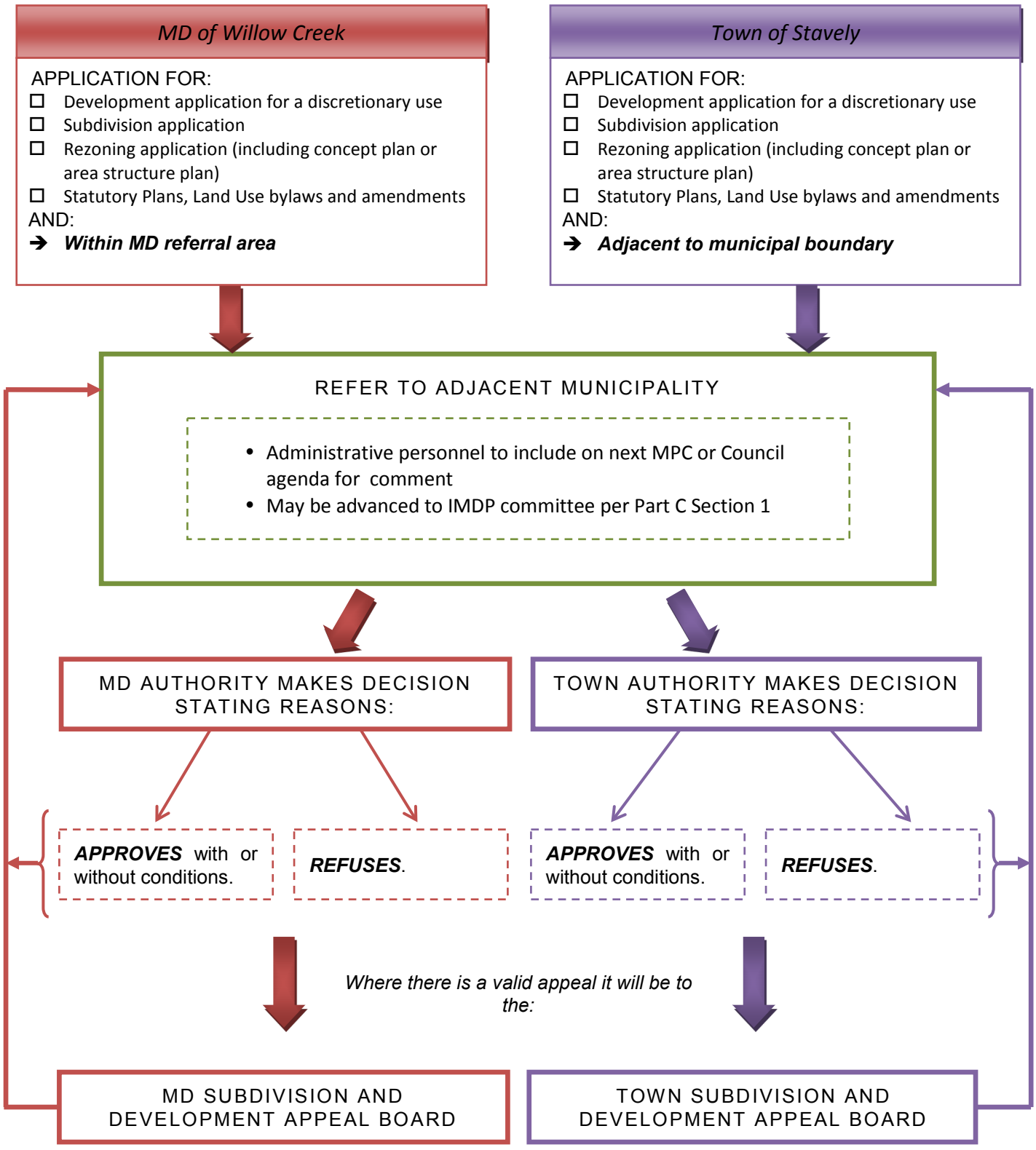
2.12 In the event that either municipality or the Committee does not reply within, or request an extension by, the response time for intermunicipal referrals stipulated in this Section, it is presumed that the responding municipality and/or Committee has no comment or objection to the referred planning application or matter.

Consideration of Responses

2.13 Comments from the responding municipality and/or the Committee regarding proposed Municipal Development Plans, other statutory plans, and Land Use Bylaws, or amendments to any of those documents, shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered.

2.14 Comments from the responding municipality and/or the Committee regarding subdivision and development applications shall be considered by the municipality in which the application is being proposed, prior to a decision being rendered on the application.

Figure 1: Intermunicipal Development Plan Referral Flow Chart



3. DISPUTE SETTLEMENT

INTENT

The intent of the dispute resolution process is to maximize opportunities for discussion and review in order to resolve areas of disagreement early in the process. Despite the best efforts of both municipalities, it is understood that disputes may arise from time to time affecting land use within the Plan boundary. The following process is intended to settle disputes through consensus and minimize the need for formal mediation.

POLICIES

General Agreement

The municipalities agree that:

3.1 It is important to avoid dispute by ensuring that the Plan is adhered to as adopted, including full circulation of any permit or application that may affect the municipality as required in the Plan and prompt enforcement of the Plan policies.

3.2 Prior to the meeting of the Committee, each municipality through its administration, will ensure the facts of the issue have been investigated and clarified, and information is made available to both parties. Staff meetings are encouraged to discuss possible solutions.

3.3 The Committee should discuss the issue or dispute with the intent to seek a recommended solution by consensus.

Dispute Resolution

In the case of a dispute, the following process will be followed to arrive at a solution:

3.4 When a potential intermunicipal issue comes to the attention of either municipality relating to a technical or procedural matter, such as inadequate notification or prescribed timelines, misinterpretation of Plan policies, or a clerical error regarding the policies of this Plan, either municipality's Land Use Bylaw, or any other plan affecting lands in the Plan Area, it will be directed to the administrators of each municipality. The administrators will review the technical or procedural matter and if both administrators are in agreement, take action to rectify the matter.

3.5 Should either municipality identify an issue related to this Plan that may result in a dispute that cannot be administratively resolved under Section 3.4 or any other issue that may result in a dispute, the municipality should contact the other and request that an Intermunicipal Development Plan Committee meeting be scheduled to discuss the issue. The Committee will review the issue and attempt to resolve the matter by consensus.

3.6 Should the Intermunicipal Development Plan Committee be unable to arrive at a consensus, the administration of each municipality will schedule a joint meeting of the two Councils to discuss possible solutions and attempt to reach consensus on the issue.

3.7 Should the Councils be unable to resolve the matter, either municipality shall initiate a formal mediation process to facilitate resolution of the issue.

Filing an Intermunicipal Dispute under the *Municipal Government Act*

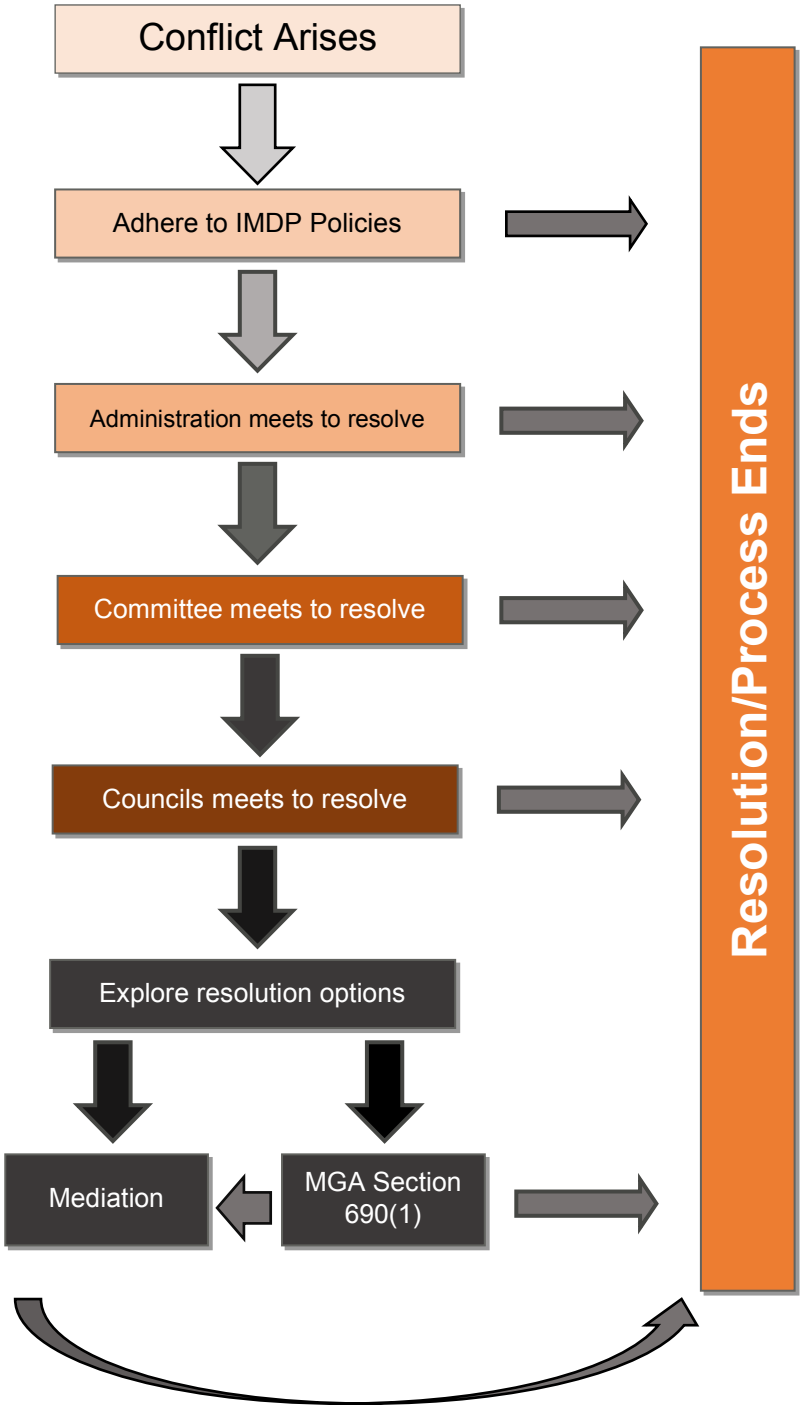
3.8 In the case of a dispute involving the adoption of a statutory plan, Land Use Bylaw or amendment to such, within 30 days of adoption, the municipality initiating the dispute may, without prejudice, file an appeal to the Municipal Government Board under section 690(1) of the MGA so that the provincial statutory right and timeframe to file an appeal is not lost.

3.9 The appeal may then be withdrawn, without prejudice, if a solution or agreement is reached between the two municipalities prior to the Municipal Government Board meeting. This is to acknowledge and respect that the time required to seek resolution or mediation may not be able to occur within the 30 day appeal filing process as outlined in the MGA.

Note: Using section 690(1) of the MGA is the final stage of dispute settlement, where the municipalities request the Municipal Government Board to intercede and resolve the issue.

Dispute Resolution Flow Chart

The dispute resolution flow chart presented here is for demonstration purposes only and shall not limit the ability of either municipality to explore other methods of resolution or to choose one method in place of another.



4. PLAN VALIDITY AND AMENDMENT

This plan will may require amendment from time to time to accommodate unforeseen situations, and to keep the Plan relevant.

4.1 This plan comes into effect on the date it is adopted by both the Town of Stavely and Municipal District of Willow Creek.

4.2 Recognizing that this plan may require an amendment from time to time to accommodate an unforeseen situation, such an amendment must be adopted by both councils using the procedures established in the *Municipal Government Act*.

4.3 Third party applications for an amendment to this plan shall be made to both municipalities and be accompanied by the appropriate fees to each municipality.

4.4 Administrative staff should review the policies of the Plan annually and discuss land use matters, issues and concerns on an on-going basis. Administrative staff may make recommendations to their respective Councils for amendment to the Plan to ensure the policies remain relevant and continue to meet the needs of both municipalities.

4.5 That the staff of both municipalities review the plan every five years from the date of adoption and report to the respective councils. Each council shall respond within 60 days with a recommended course of action.

APPENDIX A – Definitions

Adjacent means land which is contiguous or would be contiguous if not for a river, stream, railway, road or utility right-of-way or reserve land.

Area structure plan means a statutory plan prepared in accordance with Section 634 of the *Municipal Government Act* and the Municipal Development Plan for the purpose of providing a framework for subdivision and development of land in the municipality.

Commercial means the use of land and/or building for the purpose of display, storage and wholesale or retail sale of goods and/or services to the general public. On-site manufacturing, processing or refining of goods shall be incidental to the sales operation.

Confined feeding operation (CFO) has the same meaning as in the regulations of the *Agricultural Operations Practices Act*.

Country residence means a use of land, the primary purpose of which is for a dwelling or the establishment of a dwelling in a rural area.

Development means development as defined in the MGA.

Development authority means the development authority of the Municipal District of Willow Creek No. 26 or the development authority of the Town of Stavely, whichever development authority applies.

Extensive agriculture means the production of crops or livestock or both by the expansive cultivation or open grazing of normally more than one parcel or lot containing 160 acres (64.8 ha) more or less.

Grouped country residential means two or more contiguous country residential lots.

Industrial means development used for manufacturing, fabricating, processing, assembly, production or packaging of goods or products, as well as administrative offices, warehousing and wholesale distribution uses which are accessory to the above provided that the use does not generate any detrimental impact, potential health or safety hazard or any nuisance beyond the boundaries of the site upon which it is situated. "Noxious or hazardous industries" and "Specialty manufacturing / Cottage industry" are separate uses.

Intensive livestock operation (ILO) means any land enclosed by buildings, shelters, fences, corrals or other structures which, in the opinion of the MD Municipal Planning Commission, is capable of confining, rearing, feeding, dairying or auctioning livestock, but excepting out wintering of a basic breeding herd of livestock but is less than the thresholds established by the NRCB.

Land use bylaw has the same meaning as in the *Municipal Government Act*.

May means, within the context of a policy, that the action described in the policy is discretionary.

MGA means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, with amendments there to.

Noxious industry means an industry which is hazardous, noxious, unsightly or offensive and cannot, therefore, be compatibly located in an urban environment. Examples include, but are not necessarily limited to: abattoirs, oil and gas plants, asphalt plants, sanitary landfill sites, sewage treatment plants or lagoons, auto wreckers or other such uses determined by the Municipal Planning Commission to be similar in nature. Confined feeding operations and Intensive livestock operations are separate uses.

Redesignation "redesignate", "redistrict", or "rezone" means changing the existing land use district on the official Land Use District Map in the land use bylaw.

Residential means the use of land or buildings for the purpose of domestic habitation on a continual, periodic or seasonal basis.

Shall means, within the context of a policy, that the action described in the policy is mandatory.

Solar energy system, commercial/industrial means a system using solar technology to collect energy from the sun and convert it to energy to be used for off-site consumption, distribution to the marketplace, or a solar energy system not meeting the definition of solar energy systems, household.

Wind Energy Conversion System (WECS) means a system consisting of subcomponents which converts wind energy to electrical energy using rotors, tower and a storage system.