INTERMUNICIPAL DEVELOPMENT PLAN

COUNTY OF WARNER NO. 5 & TOWN OF MILK RIVER



MARCH 2020

BYLAW NO. 956-20
&
BYLAW NO. 1025



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Prepared for the County of Warner No. 5 & Town of Milk River

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COUNTY OF WARNER
IN THE PROVINCE OF ALBERTA

BYLAW NO. 956-20

BEING a bylaw of the County of Warner No. 5 in the Province of Alberta, to adopt Bylaw No. 956-20, being the County of Warner No. 5 and Town of Milk River Intermunicipal Development Plan.

WHEREAS councils of municipalities that have common boundaries are required by provincial legislation to pass and 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 County of Warner No. 5 and Town of Milk River Intermunicipal Development Plan establishes policies that apply to lands within both municipalities as defined within the plan and is to be used as a framework for decision making in each municipality with input and cooperation of the other jurisdiction.

AND WHEREAS both the Councils of the County of Warner No. 5 and the Town of Milk River 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 each 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 County of Warner No. 5 duly assembled hereby enacts the following:

1. Council shall adopt the County of Warner No. 5 and Town of Milk River Intermunicipal Development Plan in consultation and as agreed to with the Town of Milk River.
2. This plan, upon adoption, shall be cited as the County of Warner No. 5 and Town of Milk River Intermunicipal Development Plan Bylaw.
3. Bylaw No. 819-02, being the former County of Warner No. 5 and Town of Milk River Intermunicipal Development Plan and any amendments thereto, is hereby rescinded.
4. This bylaw shall come into effect upon third and final reading thereof.

READ a **first** time this 14 day of JANUARY, 2020.

Randy Taylor
Reeve – *Randy Taylor*

Municipal Administrator – *Shawn Hathaway*

READ a **second** time this 3 day of MARCH, 2020.

Randy Taylor
Reeve – *Randy Taylor*

Municipal Administrator – *Shawn Hathaway*

READ a **third** time and finally PASSED this 3 day of MARCH, 2020.

Randy Taylor
Reeve – *Randy Taylor*

Municipal Administrator – *Shawn Hathaway*

TOWN OF MILK RIVER
IN THE PROVINCE OF ALBERTA

BYLAW NO. 1025

BEING a bylaw of the Town of Milk River in the Province of Alberta, to adopt Bylaw No. 1025, being the County of Warner No. 5 and Town of Milk River Intermunicipal Development Plan.

WHEREAS councils of municipalities that have common boundaries are required by provincial legislation to pass and 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 County of Warner No. 5 and Town of Milk River Intermunicipal Development Plan establishes policies that apply to lands within both municipalities as defined within the plan and is to be used as a framework for decision making in each municipality with input and cooperation of the other jurisdiction.

AND WHEREAS both the Councils of the County of Warner No. 5 and the Town of Milk River 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 each 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 Town of Milk River duly assembled hereby enacts the following:

1. Council shall adopt the County of Warner No. 5 and Town of Milk River Intermunicipal Development Plan in consultation and as agreed to with the County of Warner.
2. This plan, upon adoption, shall be cited as the County of Warner No. 5 and Town of Milk River Intermunicipal Development Plan Bylaw.
3. Bylaw No. 893, being the former County of Warner No. 5 and Town of Milk River Intermunicipal Development Plan and any amendments thereto, is hereby rescinded.
3. This bylaw shall come into effect upon third and final reading thereof.

READ a **first** time this 10th day of February 2020.

READ a **second** time this 9th day of March 2020.

READ a **third** time and finally PASSED this 9th day of March 2020.

Mayor – *Peggy Losey*

Chief Administrative Officer – *Jon Hood*

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PART 1

Introduction

PART 1

Introduction

1.1 Introduction

Municipalities are required to undertake the preparation of an Intermunicipal Development Plan in order to collaborate, realize efficiencies in services, and help avoid future land use conflicts. The County of Warner No. 5 (County) and the Town of Milk River (Town) also recognize that the fringe area surrounding the Town is of mutual interest warranting a collaborative approach to planning. The Intermunicipal Development Plan (IDP or Plan) is based on creating a shared vision for future growth, by establishing and agreeing to a long-term strategy for planning and development which attempts to balance the interests of each municipality. The Plan is intended to foster ongoing cooperation between the County and Town by providing a forum to discuss planning and municipal matters in the context of each municipality's land use philosophy.

In 2003, the County and Town adopted their first Intermunicipal Development Plan (IDP or Plan) to create a shared vision for future growth, by establishing and agreeing to a long-term strategy for planning and development in the Milk River fringe. While this IDP has lapsed, the policies remain relevant and applicable for the circumstances within the urban fringe area and has been used continuously.

However, revisions to planning regulations in the *Municipal Government Act, Revised Statutes of Alberta 2000 Chapter M-26* solidify the requirements for municipalities to consider and consult their neighbours during the planning process. Therefore, both municipalities wish to be proactive and establish a framework to direct and manage development in a manner which is mutually beneficial. The key policy areas of the Plan include:

- Land Use,
- Transportation,
- Utilities, Servicing and Drainage,
- Coordination of Economic, Social and Environmental Issues, and
- Administration and Dispute Resolution.

The Plan is intended to provide guidance to decision-makers and establishes planning policy that applies to lands in the fringe and within the Town; however, each municipality is ultimately responsible for making decisions within their jurisdiction using the policies and procedures as agreed upon in this Plan.

1.2 Legislative Requirements

In order to foster cooperation and mitigate conflict between municipalities, the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA)* requires adjacent municipalities to adopt an Intermunicipal Development Plan.

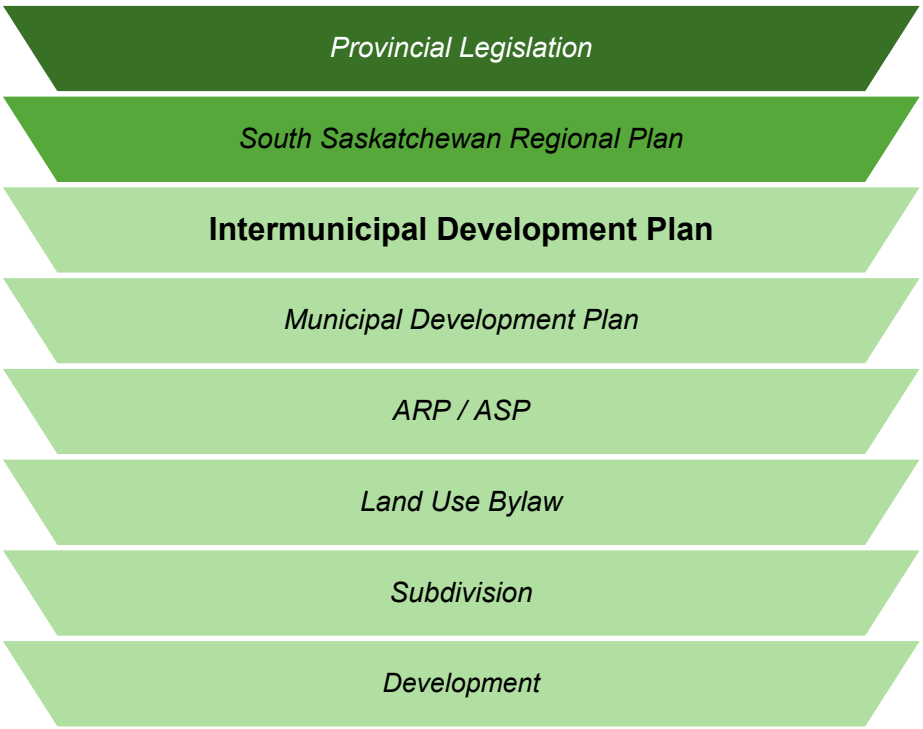
Specifically, the *MGA* states:

> ***631(1)*** *Subject to subsections (2) and (3), 2 or more councils of municipalities that have common boundaries and that are not members of a growth region as defined in section 708.01 must, by each passing a bylaw in accordance with this Part or in accordance with sections 12 and 692, adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.*
>
> ***631(8)*** *An intermunicipal development plan*
>
> *(a) must address*
>
> *(i) the future land use within the area,*
>
> *(ii) the manner of and the proposals for future development in the area,*
>
> *(iii) the provision of transportation systems for the area, either generally or specifically,*
>
> *(iv) the co-ordination of intermunicipal programs relating to the physical, social and economic development of the area,*
>
> *(v) environmental matters within the area, either generally or specifically, and*
>
> *(vi) any other matter related to the physical, social or economic development of the area that the councils consider necessary,*
>
> *and*
>
> *(b) must include*
>
> *(i) a procedure to be used to resolve or attempt to resolve any conflict between the municipalities that have adopted the plan,*
>
> *(ii) a procedure to be used, by one or more municipalities, to amend or repeal the plan, and*
>
> *(iii) provisions relating to the administration of the plan.*

It is noted that the paramountcy of the IDP is established within the "Plans Consistent" (section 638) portion of the MGA:

> ***638(1)*** *In the event of a conflict or inconsistency between*
>
> *(a) an intermunicipal development plan, and*
>
> *(b) a municipal development plan, an area structure plan or an area redevelopment plan*
>
> *in respect of the development of the land to which the intermunicipal development plan and the municipal development plan, the area structure plan or the area redevelopment plan, as the case may be, apply, the intermunicipal development plan prevails to the extent of the conflict or inconsistency.*

Figure 1: Planning Hierarchy Flowchart



In addition to *MGA* requirements, the *South Saskatchewan Regional Plan (SSRP)* became effective September 1, 2014 which introduced additional requirements when addressing land use matters. The *SSRP* uses a cumulative effects management approach to set policy direction for municipalities for the purpose of achieving environmental, economic and social goals within the South Saskatchewan Region until 2024.

Pursuant to section 13 of the *Alberta Land Stewardship Act (ALSA)*, regional plans are legislative instruments. The *SSRP* has four key parts including the Introduction, Strategic Plan, Implementation Plan and Regulatory Details Plan. Pursuant to section 15(1) of *ALSA*, the Regulatory Details of the *SSRP* are enforceable as law and bind the Crown, decision makers, local governments and all other persons while the remaining portions are statements of policy to inform and are not intended to have binding legal effect.

The Regional Plan is guided by the vision, outcomes and intended directions set by the Strategic Plan portion of the *SSRP*, while the Implementation Plan establishes the objectives and the strategies that will be implemented to achieve the regional vision. As part of the Implementation Plan, Section 8: Community Development includes guidance regarding Planning Cooperation and Integration between municipalities with the intention to foster cooperation and coordination between neighbouring municipalities and between municipalities and provincial departments, boards and agencies.

Section 8 contains the following broad objectives and strategies:

Objectives:

- *Cooperation and coordination are fostered among all land use planners and decision-makers involved in preparing and implementing land plans and strategies.*
- *Knowledge sharing among communities is encouraged to promote the use of planning tools and the principles of efficient use of land to address community development in the region.*

Strategies:

8.1 Work together to achieve the shared environmental, economic, and social outcomes in the South Saskatchewan Regional Plan and minimize negative environmental cumulative effects.

8.2 Address common planning issues, especially where valued natural features and historic resources are of interests to more than one stakeholder and where the possible effect of development transcends jurisdictional boundaries.

8.3 Coordinate and work with each other in their respective planning activities (such as in the development of plans and policies) and development approval processes to address issues of mutual interest.

8.4 Work together to anticipate, plan and set aside adequate land with the physical infrastructure and services required to accommodate future population growth and accompanying community development needs.

8.5 Build awareness regarding the application of land-use planning tools that reduce the impact of residential, commercial and industrial developments on the land, including approaches and best practices for promoting the efficient use of private and public lands.

8.6 Pursue joint use agreements, regional services commissions and any other joint cooperative arrangements that contribute specially to intermunicipal land use planning.

8.7 Consider the value of intermunicipal development planning to address land use on fringe areas, airport vicinity protection plans or other areas of mutual interest.

8.8 Coordinate land use planning activities with First Nations, irrigation districts, school boards, health authorities and other agencies on areas of mutual interest.

The above strategies are to be considered by both municipalities when developing policy within this IDP and when rendering land use decisions pertaining to development within the Plan Area. Other strategies contained in the *SSRP* should be considered in the context of each municipality's Municipal Development Plan, Land Use Bylaw, other statutory plans, and through policies found within this Plan.

1.3 Plan Area

The Intermunicipal Development Plan Area (also referred to as the Plan Area or IDP Area) extends approximately one-mile in each direction from the Town of Milk River as illustrated in Map 1. The land within the Plan Area encompasses approximately 5,185 acres (2,098 ha) within the County, and also includes the land within the Town situated adjacent to the municipal boundary. Within the County, the majority of land is zoned Urban Fringe except for the rail line, which is zoned Linear Parcel Direct Control.

As part of the IDP planning process, a background study was undertaken to help identify major development considerations and limitations requiring intermunicipal consideration within the Plan Area. The study examined land use, transportation systems, natural features, soils, topography, environmental aspects, abandoned gas wells, and subdivision and title configurations, amongst other matters. Maps 2 through 10 illustrate some of the physical features and considerations within the Plan Area.

The Plan Area includes major transportation corridors including Highways 4 and 501, and the CPR rail line that runs parallel to Highway 4 on the west side of the Town. Both natural (Map 10) and human-made (Map 5) features on the landscape are present that may affect growth and development potential. These features include the Milk River that traverses through the lower Plan Area south of Town, wetlands, the operating sewage lagoon to the southeast, the non-operating landfill within the Town, and lands to the south of the Town that have been identified by the province as having a high probability of containing important historic artifacts (Map 9).

Agriculture is an important component of the local economy and large agricultural parcels located within the Plan Area contain fertile soils (CLI Class 3) that have moderately high crop productivity, but the majority of agricultural land is of Class 4 capability—meaning there are severe crop limitations. It is noted that the Town has in their Municipal Development Plan, identified the lower Class 4 agricultural lands to the immediate north, east and south of the Town boundary as the preferred future growth directions.

Existing subdivisions and developments within the Plan Area are represented on Map 2, with the majority located west and south of the Town, and can be primarily characterized as relating to farming and agriculture, with a few notable exceptions:

- Town of Milk River sewage lagoon (N½ of 22-2-16-W4M),
- Town of Milk River cemetery (NW and NE 22-2-16-W4M), and
- an industrial refinery (SE 21-2-16-W4M).

1.4 Plan Goals

1. To provide for a continuous planning process that facilitates ongoing consultation, collaboration, and coordination between the two municipalities.

2. To encourage ongoing consultation and collaboration between the County and Town on matters of intermunicipal importance.

3. To establish a planning approach defined in a land use concept that will promote compatible and complementary land uses.

4. To recognize the importance of the existing agricultural pursuits located within the fringe area and need to minimize fragmentation of these lands.

5. To provide a clear policy framework that serves to guide future planning decisions for lands located within the Plan Area, affording more certainty for and better coordination of development within the Plan Area.

6. To encourage and support cooperation and enable mutually beneficial economic opportunities to occur between the two municipalities.

1.5 Plan Preparation, Process & Procedure for Adoption

The background and study and analysis served as the foundation from which both municipalities could review the existing land use conditions and determine the relevant issues, goals and objectives. Once each municipality's perspectives were identified, a draft document was prepared for review by each municipality prior to consultation with affected landowners, stakeholders and the general public.

Upon completing the public consultation phase, a refined document was then prepared, and final draft was forwarded to each Council for review. As required by the *MGA*, public hearings were held by each Council and subsequent to the public hearings, the IDP was adopted by each municipality under separate municipal bylaws.

The policies outlined in Part 4 of this Plan are to be adhered to with respect to adoption, implementation, amendments and general administration of the IDP.

PART 2

Coordinated Land Use Strategy

PART 2

Coordinated Land Use Strategy

2.1 Overview

The policies contained within this Plan are intended to provide direction to the Town of Milk River and County of Warner Councils, subdivision and development authorities and administration with respect to managing land within the Plan Area. The Land Use Concepts have been developed for the Plan Area to efficiently manage growth and assist decision makers in the review of subdivision and development proposals by identifying general locations for future land uses.

2.2 General Plan Policies

Intent

These general policies are applicable to all lands within the Plan Area and are intended to enable the implementation of an effective coordinated growth management strategy.

Policies

2.2.1 This document outlines policies that apply to the IDP boundary which includes the Urban Fringe district within the County of Warner and lands adjacent to the municipal boundary in the Town of Milk River.

2.2.2 The Plan provides a basis for consultation and consensus. However, each municipality will be ultimately responsible for making decisions within their own respective municipal boundaries, having regard for the policies of this Plan and the dispute settling process in this Plan.

2.2.3 Both the County of Warner and Town of Milk River shall update and amend their Land Use Bylaws and Municipal Development Plans as required to ensure conformity with the Intermunicipal Development Plan as adopted.

2.2.4 Existing land uses with valid development permits issued on or before the date of adoption of this Plan may continue to operate in accordance with the provisions of the County of Warner Land Use Bylaw, Town of Milk River Land Use Bylaw and the *Municipal Government Act,* as applicable. New applications for subdivision and development on these lands are subject to this Plan's policies.

2.2.5 Applications for land use redesignation, subdivision or development must be made to the applicable municipality in which the land is jurisdictionally located.

2.2.6 Any new application submitted for redesignation of land under the County's jurisdiction may be required to be accompanied by a professionally prepared Area Structure Plan containing the information requirements as prescribed in the County of Warner Land Use Bylaw and Municipal Development Plan.

2.2.7 All the required plans, design schemes or other reports in support of major subdivisions/developments must be professionally prepared and engineered to an acceptable municipal standard.

2.2.8 Applications or proposals may come forward from landowners or developers that may not be specifically addressed through the policies of this IDP. In such circumstances, the two municipalities should consult and determine if the proposal should be discouraged, supported, or if amendments may be needed to be made to the IDP in order to enable the proposal to proceed if there is general agreement between the County and Town that the proposal is acceptable.

2.2.9 Both the County and Town will ensure that redesignation, subdivision and development applications located within the defined setback parameters of a provincial highway (300 metres for the boundary of a designated provincial highway or 800 metres from the intersection) are referred to Alberta Transportation.

2.3 Agricultural Practices

Intent

It is in the best interest of both municipalities to protect agricultural lands from unnecessary fragmentation and encourage diversity in the urban fringe area. In terms of agricultural production, the existing use in the fringe is largely cropland or pastureland. Milk River has not historically experienced issues with adjacent agricultural operators. The policies of the Plan are intended to minimize potential impacts and promote protection of agricultural land to the extent possible.

Policies

2.3.1 Priority is placed on the preservation of arable lands for agricultural production and promoting diversification of the agricultural sector by supporting many types of agricultural operations. Premature development of existing agricultural lands within the Plan Area should be avoided and such lands should continue to be used for agricultural purposes until it is necessary to change to another use.

2.3.2 Both municipalities recognize that most of the land within the Plan Area is agricultural land for crop production or pastureland and agricultural activities following acceptable farming practices are protected under provincial legislation and may continue to operate in the fringe area of Milk River.

2.3.3 New confined feeding operations (CFOs) shall be prohibited within the Plan Area (Map 6).

2.3.4 The County of Warner agrees that it shall update and amend the Municipal Development Plan as required to ensure it aligns with the CFO policies stipulated in this Plan.

2.3.5 The spreading of manure is strongly discouraged on land within the IDP Area. However, as it is recognized the Natural Resources Conservation Board (NRCB) has jurisdiction over such issues, it is requested that the procedures outlined in the *Agricultural Operation Practices Act*, Standards and Administration Regulation or the additional recommendations or conditions of the NRCB be strictly adhered to.

2.3.6 The County of Warner agrees that it will continue to regulate intensive livestock operations for threshold numbers that fall below the minimum threshold criteria for approvals under the mandate of the NRCB, through policies stipulated in the County's Land Use Bylaw.

2.3.7 If any issue or complaint arises in either municipality regarding impacts from agricultural operations, the municipality receiving the complaint will direct the affected parties to the appropriate agency, government department, or municipality having jurisdiction over the land for consultation, investigation or resolution, as applicable.

2.4 Urban Growth & Annexation

Intent

In order to allow for the planning and installing of costly infrastructure, the County and Town have identified potential growth areas for future growth and development (Map 4). Future annexation of any of these lands will occur in the framework and context of long-range planning documents and in consultation with the County.

Policies

2.4.1 Based on the existing highway, topography, and availability of services, the preferred growth directions of the Town generally concentrate commercial and industrial expansion north along Highway 4, residential development to the east, and some public/institutional to the south.

2.4.2 The Future Land Use Concept illustrated on Map 4 establishes, generally, the preferred growth areas within the Plan Area. Future land uses will need to be more fully defined and planned through additional planning and engineering studies for the area when required. (Section 2.5 more fully outlines the future growth concepts of the IDP.)

2.4.3 The Town of Milk River has prepared a Municipal Development Plan (MDP) as required by the province, and the Town will attempt to implement the growth and development strategies as outlined in the MDP as best it can prior to commencing an annexation process unless unique circumstances present themselves in which earlier annexation is viewed as necessary.

2.4.4 The Town, in consideration of the policies and strategies within its MDP, will attempt to develop internal vacant land within the Town boundaries as a first growth priority.

2.4.5 If the annexation of land is deemed necessary by the Town, either to accommodate growth or realign municipal shared boundaries in a more rational manner, the Town Chief Administrative Officer (CAO) will contact the CAO of the County to discuss the proposal and provide and share any of the necessary information, studies, facts and details on the proposal so all parties are adequately informed prior to submitting a notice of intent to annex with the Municipal Government Board (MGB).

2.4.6 When the Town formally determines annexation of land is necessary to accommodate growth, it will prepare and share with the County a growth strategy/study before submitting a notice of intent to annex with the MGB. The growth strategy/study will indicate the necessity of the land, describe how land has been utilized to its fullest potential within the Town, outline proposed uses of the land, servicing implications, and any identified financial impacts to both municipalities, while addressing the MGB's "Annexation Principles" and demonstrating consistency with the relevant portions of the *South Saskatchewan Regional Plan*.

2.4.7 Annexation involves a number of stakeholders and the County and Town will ensure the following are involved in the process:

a) landowners directly affected by the application, who must be part of the negotiation process;

b) the Town of Milk River, who must make the detailed case for annexation and be a major participant in any negotiations;

c) the County of Warner, who must evaluate the annexation application and supporting documentation for the impact on its financial status and land base as well as ratepayer issues. The County will, as part of the negotiation with ratepayers, wish to see arrangements regarding, but not limited to:

- property taxes of ratepayers,
- use of land continuing as agriculture until needed for development,
- ability to keep certain animals on site;

d) authorities such as Alberta Transportation and Alberta Environment and Parks; and

e) the Municipal Government Board, who will evaluate the application and responses from the stakeholders.

2.4.8 The proposed annexation boundaries shall follow legal title boundaries and natural features to avoid creating fragmented parcels or patterns of municipal jurisdiction.

2.4.9 Notwithstanding policy 2.4.6 above, the County or Town may initiate an application for annexation without preparing a growth strategy/study if the proposal is for a minor boundary adjustment to accommodate existing title property line reconfigurations, roads, canals, or utility rights-of-way that may be split by municipal jurisdiction boundaries and the two municipalities agree the annexation proposed is minor and logical.

2.4.10 Upon the completion of an annexation and the MGB Board Order approval, the County and/or Town are responsible for reviewing their respective Land Use Bylaw to amend any municipal boundaries on diagrams, and to determine if a redesignation of the land is required to conform with the purpose of the annexation application, or as per any agreement with the land owners involved in the annexation process of their land.

2.4.11 Within one year after a Municipal Government Board Order approving an annexation, the two municipalities shall review the IDP boundary to determine whether a need to amend the Plan boundary, or any other planning matter or boundary, is warranted.

2.5 Future Land Use

Intent

A long-term land use strategy has been identified to coordinate land use in the fringe area and ensure compatibility occurs between the two municipalities. To address the matter of future land use within the Plan Area, possible expansion areas have been identified and need to have special considerations (Map 4).

Policies

2.5.1 Future land use within the Plan Area will continue to be primarily for extensive agriculture, with the exception of the future growth areas shown on Map 4. This does not preclude the establishment of non-agricultural land uses within the Plan Area. Decisions on applications for non-agricultural land uses shall be made in the context of the policies of this Plan and other relevant planning documents.

2.5.2 The Future Land Use Concept illustrated on Map 4 establishes, generally, the recommended future land uses for the primary/preferred growth zone within the Plan Area. The boundaries of the multiple future land uses shown on Map 4 are general approximations and are not intended to be exact boundaries.

2.5.3 Proposals for development that are not consistent with the Plan and the Future Land Use Concept (Map 4) may be considered on a case-by-case basis upon consultation with the Town of Milk River.

2.5.4 The general growth directions of the Town are indicated on Map 4, and as shown, land immediately to the east of the current Town boundary is recognized as the primary future residential growth direction. Lands to the north of the Town boundary have potential for future industrial/highway commercial development, and a small parcel of land to the immediate south could be zoned for public/institutional uses. The County and Town will attempt to protect these lands from conflicting, incompatible or pre-mature land uses and fragmentation.

2.5.5 Future Town growth is not anticipated to occur to the west of Highway 4 and the CPR rail-tracks and it is recognized that access and transportation linkages are limited in this area due to the highway and rail-line.

2.5.6 Highway 4 is considered a gateway corridor for the Town and any future development proposed along the corridor should consider potential visual impacts and plans should address the enhancement of visual appeal and attractiveness of the development with special regard to landscaping, signage, building style, setbacks, screening, architectural guidelines and other features.

2.5.7 The development of the future growth areas identified in Map 4 will require at some future point Area Structure Plans to outline the planning, land use, density, road network and servicing framework for the entire area. For smaller multi-lot subdivisions or major large-scale development proposals, the municipalities may also require the proponent/developer provide an Area Structure Plan that demonstrates good planning, appropriate servicing and appropriate access to service the development.

2.5.8 Within the Town, any future Area Structure Plan prepared for the lands east of Highway 4 and north of 10 Ave for commercial/industrial use should include special considerations for connectivity of the local road network system and provide for connection points to the future growth area lands identified to the north.

2.5.9 As part of the Town's future growth plans, it is anticipated that the Town's municipal utility facilities and infrastructure system (reservoir site) will likely expand northerly into the SE 33-2-16-W4M.

2.5.10 The Town's sewer lagoons are situated within the N½ of 22-2-16-W4M in the County and a non-operating landfill is located in the Town within the northeast corner of the NE 28-2-16-W4, and both municipalities shall consider the following required provincial setbacks to these facilities when making decisions on subdivision and development proposals in the area:

a) in accordance with Sections 12 and 13 of the Subdivision and Development Regulation, a subdivision authority shall not approve an application for the subdivision for a school, hospital, food establishment or residential use if the application would result in a property line of a lot created by subdivision for any of those uses being located within 300 metres of an operating wastewater treatment plant or a non-operating landfill;

b) in accordance with Sections 12 and 13 of the Subdivision and Development Regulation, a development authority shall not issues a development permit for a school, hospital, food establishment or residential use if the building site is located within 300 metres of an operating wastewater treatment plant or a non-operating landfill.

2.5.11 It is recognized that the Municipal Development Plan and Land Use Bylaw subdivision policies of the County allow consideration for grouped country residential land use in the Urban Fringe district without the requirement for a bylaw redesignation to Grouped Country Residential (GCR). In respect of this, any multi-lot country residential proposal that comes forward by landowners/developers should be carefully reviewed with respect to roads and access, servicing, drainage, and how it may align with the intent of this IDP and its policies, and in particular, any such proposal should not hinder future road networks and potential Town growth opportunities.

2.5.12 Grouped country residential use should be discouraged within the Town of Milk River' future growth expansion areas unless mutually agreed to by the Town and the County.

2.5.13 Within the County, country residential subdivision should not occur in the following areas:

- southeast of the Town because of the location of the Town sewage lagoons;
- areas to the north of the Town where it may be incompatible with Town industrial land use and the potential future expansion of such uses; and
- areas of land, primary to the south of Town, that contain natural features or are in close proximity to the Milk River and which may be affected by topography, river bank slopes, or the flood plain, making development unsuitable.

2.5.14 It is recognized that the Urban Fringe district of the County's Land Use Bylaw does allow consideration for a variety of business type land uses, including isolated commercial and isolated industrial uses. Any such development proposals submitted to the County should be carefully reviewed with respect to roads and access, servicing, drainage, compatibility with adjacent land uses, and how it may align with the intent of this IDP and its policies, and in particular, any such proposal should not hinder the identified future growth land use concept areas.

2.5.15 Commercial and light industrial uses may be considered by the County outside of the Town of Milk River's expansion areas in the locations that can take advantage of Highway 4 exposure and access, or rail access, and can demonstrate consistency with adjacent land uses both within the County and Town. However, for lands west of Highway 4 and the CPR rail-tracks, the planning and decision making process must take into consideration the fact that transportation linkages are limited due to the highway and rail-line and the provision of suitable access for development will need to be addressed.

2.7.16 The County should not consider approving isolated noxious or heavy industrial uses southwest of the Town and also particularly to the east of Milk River (i.e., future residential expansion areas), due to factors such as the prevalent wind patterns, proximity to urban uses, and location of future residential uses.

2.5.17 Any discretionary uses approved by the County should be compatible with adjacent land uses and the IDP Future Land Concept (refer to Map 4).

2.5.18 Subdivision applications will be required to demonstrate consistency with the intent of the Future Land Use Concept (Map 4). Proposals for subdivision that are not consistent with the Future Land Use Concept may be considered on a case-by-case basis upon consultation with the Town of Milk River.

2.5.19 For any multi-lot subdivision proposals within the Plan Area, an Area Structure Plan or conceptual design scheme will be required to be submitted by developers to address the planning and servicing items as stipulated in the County's Land Use Bylaw and Municipal Development Plan. The County shall refer the document to the Town in consideration of the referral and circulation policies of the IDP.

2.5.20 Although the Milk River Airport is located outside the Plan boundary, any proposed land uses on the east side of Milk River and in proximity to the Milk River Airport must be carefully reviewed and considered in regard to potential impacts to airport operations and the flight path so that they do not penetrate the obstruction zone. Development should not be approved if the maximum elevation or height of the proposed development exceeds Transport Canada or Nav Canada standards or will impede the flight path in any manner.

2.5.21 In relation to policy 2.5.20 and the Milk River Airport operations, all proposed developments will be required to obtain the necessary approvals or clearances from Transport Canada or Nav Canada that may be applicable.

2.6 Transportation & Roads

Intent

The policies in this section are intended to address the IDP requirements of the *Municipal Government Act* and help foster enhanced coordination of transportation linkages. The planning and coordination of linked road networks is to ensure that these roads are functional, compatible and logical in order to facilitate orderly and planned growth that does not compromise future development.

Policies

2.6.1 Each municipality must be notified, prior to a decision being made, on any development or subdivision proposal in the other municipality that will result in access being required from an adjoining road under its control or management. The affected municipality must give permission in writing to the municipality processing the application prior to any access being permitted as a result of the approval of the application.

2.6.2 If road dedication is stipulated as a condition of subdivision approval, the landowner/developer will be required to enter into a development agreement for road construction and any associated costs. The landowners/developers, not the Town or the County, will be responsible for any costs related to providing access or roads as required.

2.6.3 Road construction may be deferred to a later subdivision or development stage subject to a deferred servicing/development agreement with either the County or Town as applicable.

2.6.4 The main north/south road (Range Rd 163) on the east boundary of the Town, north of Highway 501, is within the County's municipal jurisdiction. This road connects directly to the Town's internal street network system, and the access provisions and maintenance of this boundary road will be managed as per any agreement between the County and Town with the recognition that this road would be incorporated into the Town in the future if Milk River were to grow and expand its urban boundary to the east.

2.6.5 Both municipalities recognize the need to coordinate provincial transportation plans and municipal land use plans to ensure proper planning of development adjacent to highways of provincial interest and the County and Town will consult with Alberta Transportation regarding the implementation of this Plan.

2.6.6 A developer/landowner may be required to conduct traffic studies with respect to impact and access onto Highway 4 and Highway 501 and any upgrading identified by the traffic studies will be implemented at the sole cost of the developer/landowner and to the satisfaction of Alberta Transportation.

2.6.7 Isolated industrial/commercial uses in proximity to the highways will be reviewed on a case-by-case basis in consultation with Alberta Transportation at the time of development to determine potential highway impacts, and any required intersection upgrades or improvements that may be required shall be provided at the sole cost by the developer/landowner.

2.6.8 With respect to future growth and development for the Plan Area, it is recognized that no additional direct access to Highway 4 will be permitted by Alberta Transportation. Any additional proposed new road access (i.e., service road) linkage to the highways shall be determined in consultation with the provincial department with consideration for the need of preparing an Area Structure Plan and/or a Traffic Impact Assessment (TIA).

2.6.9 The County and Town should endeavour to maintain open dialogue with Alberta Transportation regarding Highways 4 and 501, including any changes to the highways that may have important impacts on both municipalities and may explore the development of highway vicinity agreements with the Ministry.

2.6.10 Both municipalities recognize the importance of the railway system to the economy of the region and shall regulate compatible land uses adjacent to the rail lines referring to using the *FCM: Guidelines for New Development in Proximity to Railway Operations (2013).*

2.7 Utilities & Servicing

Intent

Both municipalities desire quality development with consistent, efficient and acceptable servicing standards that account for and manage cumulative impacts. Additionally, there is a need to provide a guideline for basic and agreed to servicing requirements applicable to the Plan Area.

Policies

2.7.1 Both municipalities recognize the importance of efficient provision of utilities and services and agree to coordinate, wherever possible, to determine appropriate locations and alignments of any utility or servicing infrastructure required to serve a proposed subdivision or development within the Plan Area.

2.7.2 If a private sewage system is proposed to serve a subdivision, the developer/landowner shall be required to undertake a professional soil test/analysis and report prior to a decision being made on the application in order to determine the cumulative impact and site suitability of the private sewage system and to ensure that any applicable provincial and municipal regulations can be met.

2.7.3 For multi-lot subdivision proposals or where required within either jurisdiction in accordance with the municipality's Municipal Development Plan or Land Use Bylaw, developers shall be responsible to provide, at their expense, an engineered storm water management plan and obtain any necessary approvals under the *Water Act*.

2.7.4 Prior to any subdivision or development approval which proposes the use of municipal water or sewer under the adjacent municipality's control or management, the developer/landowner must obtain approval in writing from the applicable municipality regarding the use of such infrastructure to serve the development or subdivision.

2.7.5 Proposed subdivision or development in the Plan Area may benefit from a sharing of municipal water and wastewater services (municipal services) from the Town. Where municipal services are proposed by a developer, an agreement must be discussed with the Town prior to an application being deemed complete. It is acknowledged that, although these circumstances may arise and benefit all parties concerned:

a) the Town is not committed to providing any new services outside the Town boundaries, and

b) the County will not approve any application requiring urban services until a servicing agreement has been negotiated with the Town.

2.7.6 Both municipalities agree in principle that existing and future developments outside of the Town that receive the benefit of Town services through the Town distribution network should be required to pay toward the use of Town facilities. This payment could come in the form of a one-time lump sum, a rate surcharge, development fee, or any other acceptable form of remuneration.

2.7.7 When Town municipal services are proposed within the Plan Area:

a) it is the responsibility of the developer/landowner to enter into an agreement with the Town for the provision of such services. Any costs associated with connecting to municipal water and wastewater, including extending waterlines and installing associated infrastructure, will be defined in the agreement and typically will be at the expense of the developer/landowner;

b) the location of the required infrastructure to provide those services may be approved by the County based on discussions and negotiations between the County, the Town and the developer/landowner;

c) where municipal water or wastewater services have been extended into the County, the County may collect the agreed upon user fees, for remittance back to the Town.

2.7.8 In consideration of providing municipal services to areas or development proposals agreed to between the two municipalities, the County and Town may discuss the need to create and apply off-site levies, development charges, and/or servicing fees to any and all development areas as part of the agreement to ensure developers contribute their fair share of the costs related to the infrastructure.

2.7.9 Where both municipalities agree that Town services will be provided within the Plan Area, the County and Town should negotiate an agreement regarding the sharing of potential revenues and expenditures related to the proposed subdivision or development.

2.7.10 When municipal water and wastewater services are installed and available to service any proposed subdivision or development, the developer/landowner may be required to connect to such services.

2.7.11 The County and Town recognize that there may be areas of mutual opportunity and benefit in the provision of infrastructure and other services and agree to discuss in good faith these opportunities as they may arise.

2.7.12 As the County and Town are required to negotiate and enter into an Intermunicipal Collaborative Framework (ICF) regarding the delivery of services, both parties recognize that the provision of municipal services, including water and sewer, may need to be generally addressed through the ICF but preferably the details and terms would be provided through a separate agreement.

2.8 Renewable Energy Developments

Intent

Both municipalities are open to supporting emerging renewable energy industries on land use within the Plan Area provided they are small-scale, suitably located and reflect the development philosophies of both municipalities.

Policies

2.8.1 The County and Town are supportive of individual small-scale renewable energy developments (e.g., solar, wind, geothermal, etc.) that serve an individual landowner or business provided it is allowed for in the municipality's Land Use Bylaw and any municipal standards are met.

2.8.2 It is recognized that the County does not presently permit commercial-scale renewable energy developments (e.g., solar, wind, biofuel, etc.) in the Urban Fringe district of the Land Use Bylaw which encompasses almost all of the land in the Plan Area. If a bylaw amendment application was proposed to the County to contemplate allowing such a use, the County will consult with the Town on the bylaw request and will circulate any submitted bylaw amending application to the Town for comment in accordance with Section 4.3 of this Plan.

2.8.3 Commercial-scale Wind Energy Conversion Systems (WECS) proposed in proximity to the Milk River Airport, that is situated adjacent to the east boundary of the IDP in the S½ of 23-2-16-W4M, should be carefully reviewed in regard to potential impacts to airport operations and the flight path so that they do not penetrate the obstruction zone. Such proposals should not be supported if the maximum elevation or height of the proposed development exceeds Transport Canada or Nav Canada standards or will impede the flight path in any manner.

2.8.4 Any proposed commercial-scale solar (photovoltaic) facility in proximity to the Milk River Airport, even for those outside the IDP boundary, should only be considered for approval if the type of solar panel photovoltaic-cell is a non-reflective (anti-glare) type of technology.

PART 3

Coordination of Social & Environmental Issues

PART 3

Coordination of Social & Environmental Issues

3.1 Mutual Benefit & Cooperation

Intent

Consultation and cooperation on joint policy areas that may affect or benefit both parties should be encouraged and reviewed by both municipalities, as there are regional issues or opportunities that may impact both. The two municipalities may also realize regional benefits by working together on various ventures.

Policies

3.1.1 The County and Town agree to proactively work together to try and enhance and improve the region for the benefit of both municipalities.

3.1.2 The County and Town will continue to consult and cooperate regarding intermunicipal issues and matters of mutual interest in a positive, collaborative manner and develop land use and development strategies for the area with a "regional" perspective to the extent possible.

3.1.3 Both municipalities recognize that some development or economic proposals may be regionally significant and/or mutually beneficial to both parties and the two agree to meet to discuss such proposals when they come forward to find methods to accommodate such proposals for the benefit of the shared region. Joint council meetings may be used as forum to discuss and negotiate proposals.

3.1.4 Both municipalities recognize the regional significance and potential impacts of the CPR rail-line and potential spur-line growth in the vicinity of Milk River, and the County and Town will work together to discuss and attempt to mutually address potential issues that may arise from the operations and expansion of the rail system and related activities.

3.1.5 The County and Town agree to consult with each other and find beneficial ways to cooperate with other government departments, agencies and utility service providers to help facilitate the efficient delivery of infrastructure and services that may transcend municipal boundaries or are of a mutual benefit to both municipalities.

3.1.6 As a municipal cost-saving initiative endeavor, the County and Town may discuss and plan for the sharing of various municipal equipment, machinery, and services where feasible, practical and workable, which may be managed through separate agreements between the two municipalities.

3.1.7 The two parties will proactively work together on preparing an Intermunicipal Collaborative Framework (ICF), as required by the *Municipal Government Act*, in a cooperative spirit in an attempt to give due consideration to regional perspectives on municipal governance and community services.

3.2 Environmental & Historical Matters

Intent

Policies in this section address the requirements of the *Municipal Government Act* and *South Saskatchewan Regional Plan* regarding the natural environment and historic resources. They also suggest ways to mutually address the shared concerns of both municipalities regarding such matters.

Policies

3.2.1 Several areas with potential for historical resources are identified by the province within the Plan Area (Map 7). Each municipality is responsible for referring subdivision and development applications to the Alberta Director of Culture and Tourism for the province as required under applicable provincial legislation.

3.2.2 On any lands identified as a site of a potential historical resource, the developer shall be responsible at their expense of undertaking any required archeological study or complying with an order of Alberta Culture and Tourism and obtaining any necessary clearances and approvals as it relates to their proposal and compliance with the *Historical Resources Act (HRA)*.

3.2.3 There are some small pockets of wetlands dispersed throughout the Plan Area. Developers shall be responsible for avoiding any identified provincial wetlands or undertaking mitigation measures at their expense as required in accordance with the *Water Act* and *Alberta Wetlands Policy*.

3.2.4 The Milk River flows though the Plan Area south of the Town, and both municipalities recognize the importance of this river system and the associated ecosystem and will strive to mitigate any potential land use impacts though the planning and decision-making processes as best able.

3.2.5 Both municipalities agree to encourage low impact development practices and sustainable design measures as much as practical, including initiatives like bio-retention areas, porous pavement, bio-swales, naturalized storm ponds and other initiatives in order to reduce storm water quantity and achieve positive environmental outcomes.

3.2.6 Developers undertaking subdivision or development in either municipal jurisdiction are required to address storm water drainage management as part of their proposal, and are responsible for obtaining any necessary approvals from Alberta Environment and Parks that may be required with respect to the provincial *Water Act*.

3.2.7 The County and Town may collaborate and investigate methods of providing support to a variety of community, cultural, recreational, and environmental or heritage projects that may mutually benefit or enhance the quality of life of ratepayers of both municipalities within the Milk River region. This could be in the form of: time (municipal staff), gifts in kind, materials, municipal letters of support, unified government lobbying, application for grants, or other more permanent arrangements if both municipalities agree and enter into discussions and make specific agreements for the type and method of delivery of such municipal support.

PART 4

Plan Administration & Implementation

PART 4

Plan Administration & Implementation

4.1 Plan Validity & Amendment

Intent

The intent is to keep the Plan current and in conformity with any provincial regulations or initiatives. As a result, this Plan may require amendments when necessary.

Policies

4.1.1 This Plan comes into effect on the date it is adopted by both the County and Town. It remains in effect until by mutual agreement of both municipalities, it is amended or replaced. In respect of this:

a) either municipality may request that the Plan be repealed and replaced with a new IDP upon serving written notice to the other municipality; and

b) the dispute resolution process outlined in Section 4.3 will be undertaken should the municipalities be unable to reach an agreement.

4.1.2 Amendments to this Plan may be necessary from time to time to accommodate agreed to updates or changes and/or unforeseen situations not specifically addressed in the Plan; any amendments must be adopted by both Councils using the procedures established in the *Municipal Government Act*. No amendment shall come into force until such time as both municipalities adopt the amending bylaw.

4.1.3 Requests for amendments to this Plan, by parties other than the County or Town, may be made to the municipality in which the request originated and be accompanied by the applicable fee to each municipality for processing amendments to a statutory plan.

4.1.4 If agreed to by both municipalities, a joint public hearing may be held in accordance with the *Municipal Government Act* for any amendments to this Plan.

4.1.5 Municipal staff are encouraged to meet annually to review the policies of the Plan and discuss land use planning matters, issues and concerns on an ongoing basis. Municipal staff may make recommendations to be considered by their respective Councils to amend the Plan to ensure the policies remain relevant and continue to meet the needs and protect the interest of both municipalities.

4.1.6 A formal review of the Plan will occur within 10 years from the date the IDP is adopted by both municipalities.

4.2 Plan Implementation

Intent

The policies in the Plan serve as the framework for consultation on intermunicipal matters and decision making on subdivision and development proposals. As such, each municipality will need to review and amend their respective Municipal Development Plan and Land Use Bylaw, to achieve consistency with and to implement the agreed to policies in the Plan. The *Municipal Government Act* also stipulates that all statutory plans adopted by a municipality must be consistent with each other.

Policies

4.2.1 The Plan has been prepared by the County and Town in accordance with the requirements of the *Municipal Government Act*, including advertising and conducting a public consultation process, prior to passing the respective adopting bylaws.

4.2.2 This Plan comes into effect on the date it was adopted by both the County and Town, after receiving three readings of the bylaw(s) and remains in effect until such time it is rescinded or replaced.

4.2.3 The County and Town agree that they will ensure that the policies of this Plan are properly, fairly and reasonably implemented.

4.2.4 Variances to the policies of this plan may be made by the relevant approval authority if:

a) in the opinion of the approval authority the variance is minor; and

b) the variance request has been referred to the other municipality and they have responded they have no issue or concerns with the minor variance proposal; and

c) the variance complies with other statutory plans and bylaws.

4.2.5 To help achieve continued success in implementing the Plan and ensure that the goals and coordinated land use planning approach emphasized is successful, the County and Town agree to:

a) require that all area structure plans or conceptual design scheme proposals submitted by a developer/landowner within the Plan Area conform to the principles and policies of the Plan; and

b) consult on an ongoing basis, and will refer to each other major land use or planning matters that have the potential to impact the other jurisdiction, even if it involves land that may not be located within the Plan Area.

4.2.6 The County and Town will monitor and review the Plan on an ongoing basis to ensure the goals and policies remain relevant and continue to meet the needs of both municipalities.

4.2.7 As the *South Saskatchewan Regional Plan* governs planning in the southern portion of the province, the County and Town will consider and respect the mandate of this legislation and will cooperate to comply with the adopted regional plan policies.

4.2.8 Both the County and Town are responsible to review their own Land Use Bylaw and statutory plans to ensure they conform to the IDP, and if an inconsistency is found, they may need to be amended to align and reflect specific policies of this Plan. It is noted that in the event of an inconsistency between this Plan and a lower order plan, this Plan prevails to the extent of the conflict or inconsistency in accordance with section 638 of the *Municipal Government Act.*

4.3 Intermunicipal Referrals

Intent

The implementation of this Plan is intended to be an ongoing process to ensure it is maintained and remains applicable. The policies are intended to establish a process for consistent and transparent sharing of information necessary to make decisions in accordance with the intent of the Plan.

Policies

4.3.1 For the purposes of administering and monitoring the IDP, the County and Town have agreed upon an administrative consultation-based approach whereby administrative representatives from each of the municipalities may make comments and recommendations on referrals under policy 4.3.3, issue administrative decisions under Section 4.4 and address and discuss matters of joint municipal interest as authorized by their respective municipality.

4.3.2 Where a matter has been referred to administration and a resolution cannot be found, the Dispute Resolution process in Section 4.4 of this Plan should be followed.

Referral Process (see Figure 2)

4.3.3 Any of the following that affect lands in the Plan Area or land within the Town of Milk River adjacent to the corporate boundary will be forwarded to the other municipality for comment prior to a decision being made on the application or document:

- Municipal Development Plans (new or any amendments),
- Area Structure Plans (new or any amendments),
- Area Redevelopment Plans (new or any amendments),
- Conceptual Design Schemes (new or any amendments),
- Overlay Plans (new or any amendments),
- Land Use Bylaws (new or any amendments that affect/apply to the Plan area),
- Subdivision Applications,
- Discretionary Use Development Applications,
- Subdivision and Development Appeals.

4.3.4 The receiving municipality's administrative representatives may decide to refer the above-mentioned document(s) or application(s) to their own respective Municipal Planning Commission or Council for comment prior to a decision being rendered. However, the administration is responsible for forwarding on any provided comments to the other municipality in the framework and timeline as outlined.

4.3.5 Any changes to the documents or applications referred to in policy 4.3.3 that may have an impact on the Plan or municipal expansion will be recirculated to the other municipality prior to second reading or approval of the document. Based on the significance of the changes, the municipality processing the proposal will consider convening a new public hearing or meeting.

4.3.6 The municipalities are encouraged to refer to each other for comment major land use or planning matters that have the potential to impact the other jurisdiction, even if it involves lands that may not be located within the Plan Area.

4.3.7 Where an intermunicipal referral is required by the *Municipal Government Act* or the policies contained in this Plan, both municipalities agree to share mailing address and property ownership information for circulation purposes with the adjacent municipality, and where applicable, the municipality's processing agency or designate.

Response Timelines and Consideration of Referral Responses

4.3.8 The receiving municipality will, from the date of mailing, have the following timelines to review and provide comment on intermunicipal referrals:

a) 15 days for development applications,

b) 19 days for subdivision applications, and

c) 30 days for all other intermunicipal referrals.

4.3.9 In the event that either municipality does not reply within, or request an extension to, the response time for intermunicipal referrals stipulated in policy 4.3.8, it will be assumed that the responding municipality has no comment or objection to the referred planning document or application.

4.3.10 In the event that a receiving municipality's administrative representative desires to send the referral to their Municipal Planning Commission (MPC) or Council and they may not meet within the timeframes prescribed in policy 4.3.8, an extension to the response time may be requested in writing to the municipality processing the proposal. In such circumstances, the request shall indicate on what date the MPC or Council meeting is scheduled to review the matter. The administrative representative from the receiving/responding municipality shall provide written comments within 10 days of the meeting date, otherwise policy 4.3.9 shall apply.

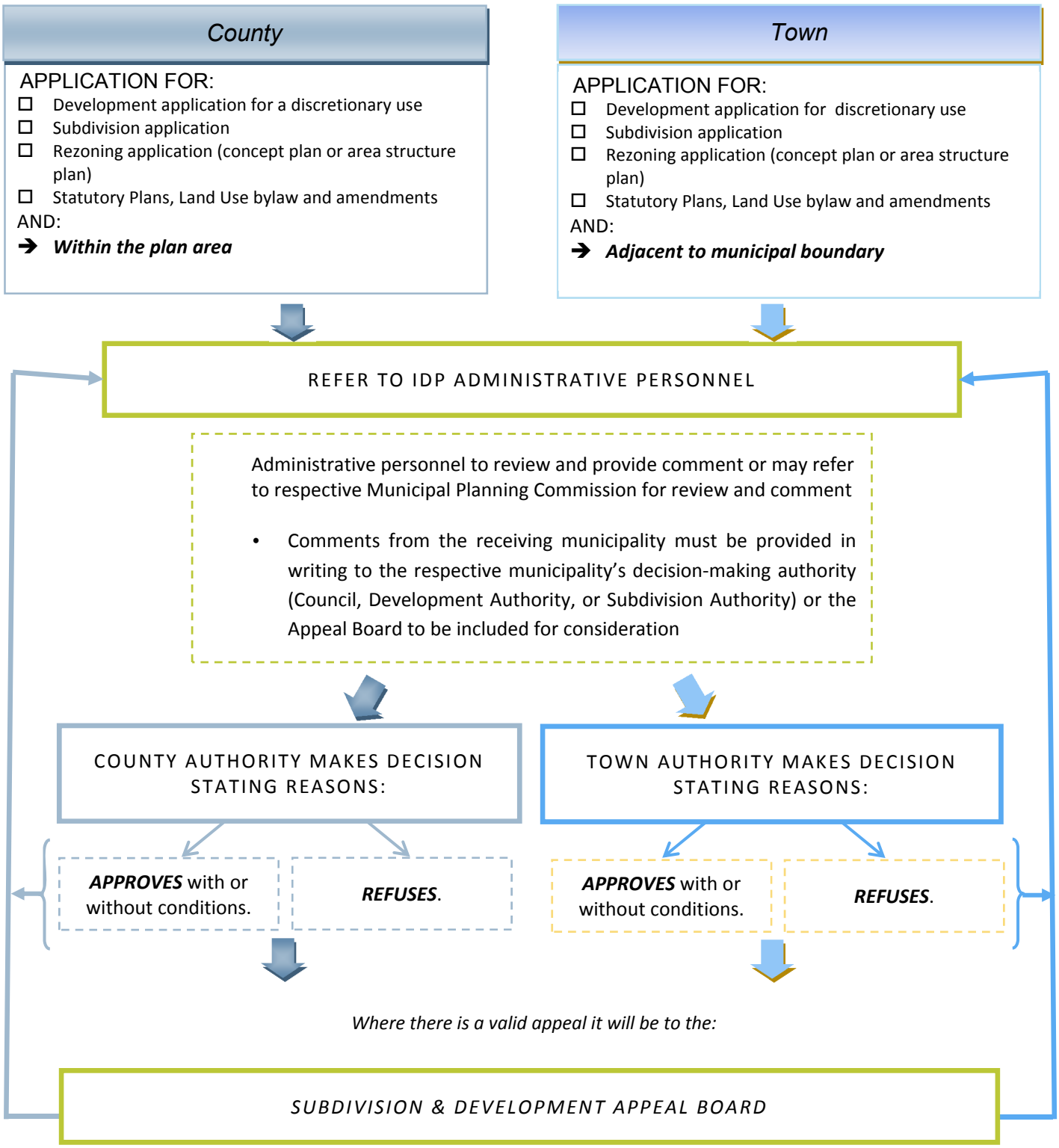
4.3.11 Written comments from the receiving municipality that are provided prior to or at the public hearing or meeting will be considered by the municipality in which the plan, scheme, Land Use Bylaw, subdivision application, development application or amendment is being proposed.

4.3.12 A municipality may call an IDP joint meeting of the two Councils at any time upon not less than 15 calendar days' notice of the meeting being given to administration and support personnel of the other municipality, stating the date, the time, purpose and the place of the proposed meeting. The 15 days' notice may be waived with consent of each municipality.

4.3.13 The municipality that called the IDP joint meeting of the two Councils shall host and chair the meeting and is responsible for preparing and distributing agendas and minutes.

4.3.14 Where an IDP matter has been referred to the joint Councils and a resolution cannot be found, then the additional mediation steps as outlined in the Dispute Resolution process in Section 4.4 of this Plan should be followed.

Figure 2: Intermunicipal Development Plan Referral Flowchart



4.4 Dispute Resolution

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

4.4.1 The County and Town agree that 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 or as required in the Plan and prompt enforcement of the Plan policies.

4.4.2 Prior to the meeting of the Administrators, 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.

4.4.3 Administrators should discuss the issue or dispute with the intent to seek a recommended solution by consensus.

Dispute Resolution (see Figure 3)

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

4.4.4 When a potential intermunicipal issue comes to the attention of either municipality regarding the policies or implementation of this Plan, either municipality's Land Use Bylaw, development applications, 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 matter and if both administrators are in agreement, take action to rectify the matter.

4.4.5 In respect of policy 4.4.4, the administrations shall discuss or meet within 15 calendar days of the matter being brought to each party's attention. The prescribed time period may be extended if both parties are in agreement to do so.

4.4.6 In the event a matter or issue cannot be resolved by the administration representatives or within the timeframe prescribed, 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. Each municipality, acting in good faith, agrees that they will attempt to schedule a joint Council meeting within a reasonable timeframe, which should not exceed 40 days.

4.4.7 Should the Councils be unable to resolve the matter, either municipality may initiate a formal mediation process to facilitate resolution of the issue. The two municipalities agree that the mediation process available through Municipal Affairs is the preferred mechanism to facilitate mediation with each municipality paying an equal portion of the associated costs.

Filing an Intermunicipal Dispute under the *Municipal Government Act*

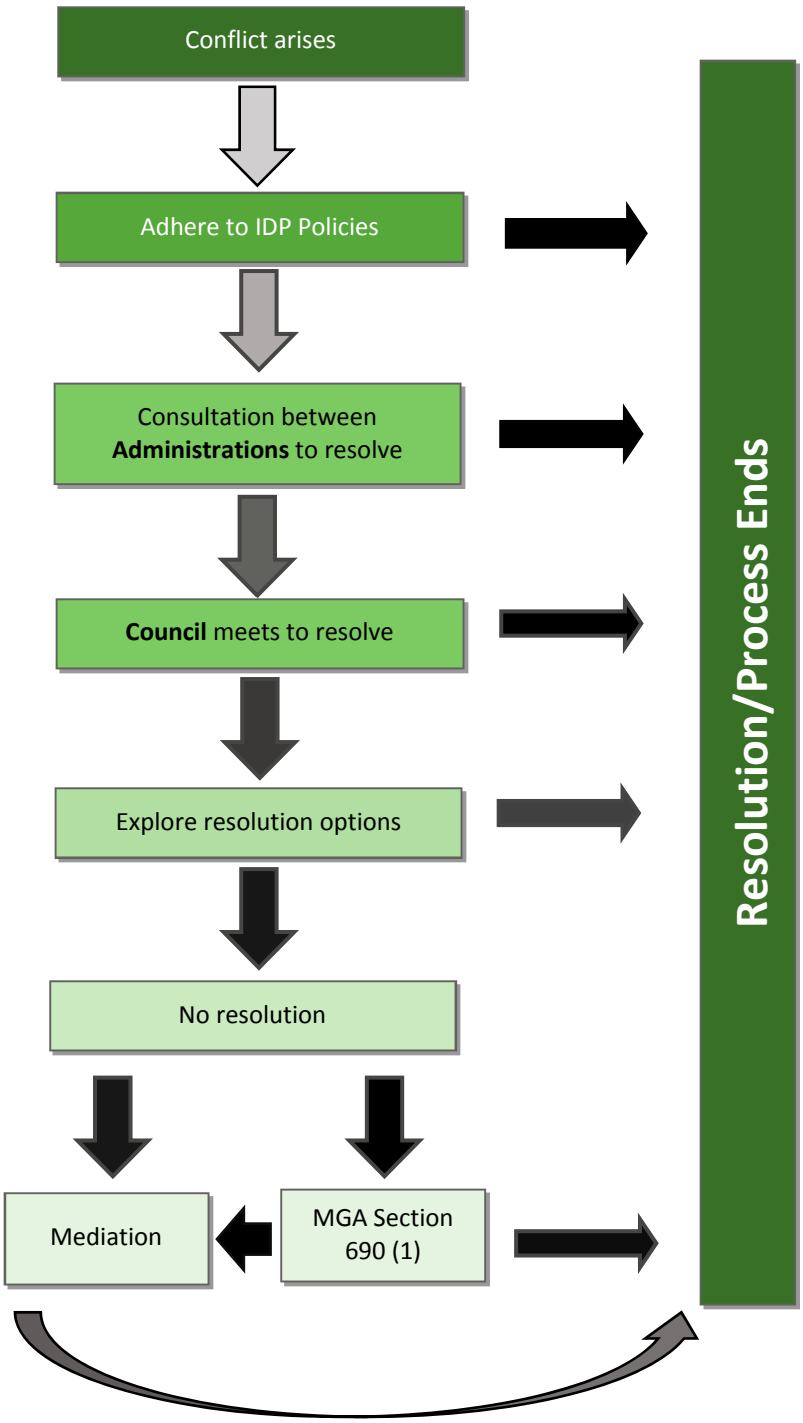
4.4.8 In the case of a dispute involving the adoption of a statutory plan, Land Use Bylaw or amendment to such, within 30 days of adoption, the municipality initiating the dispute may, without prejudice, file an appeal to the Municipal Government Board under section 690(1) of the *Municipal Government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

4.4.9 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 *Municipal Government Act*.

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

Figure 3: Dispute Resolution Flow Chart

The flow chart presented herein illustrates the dispute resolution process. This process is not intended to limit the ability of either municipality to explore other methods of resolution or to choose one method in place of another.



PART 5

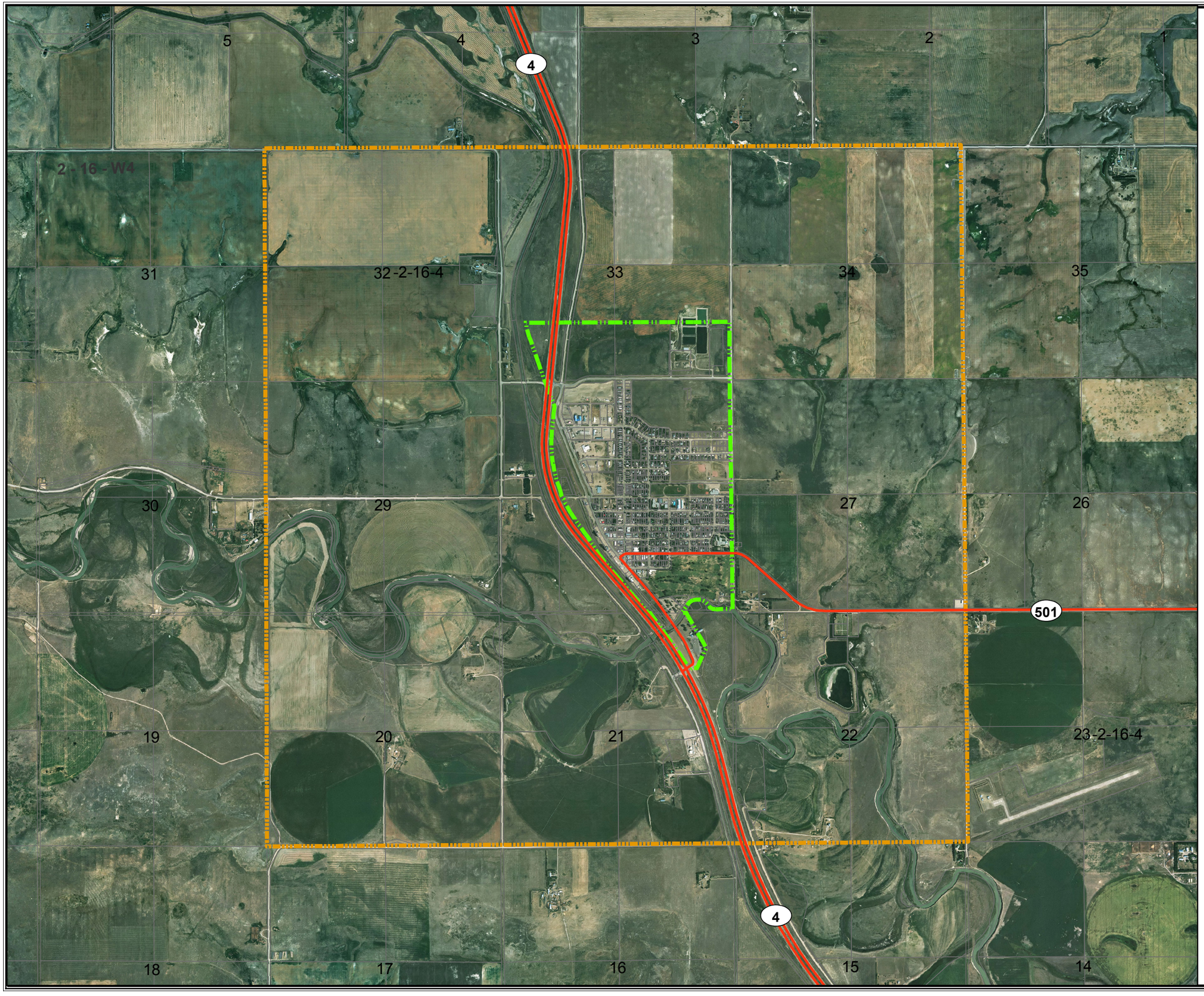
Maps

COUNTY OF WARNER NO. 5 & TOWN OF MILK RIVER INTERMUNICIPAL DEVELOPMENT PLAN

BYLAW No. 956-20 (COUNTY) &
BYLAW No. 1025 (TOWN)

PLAN AREA

MAP 1



IDP Boundary

Town of Milk River Boundary

Highways

Aerial Photo Date: 2015

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 0.5 1 2
Kilometers

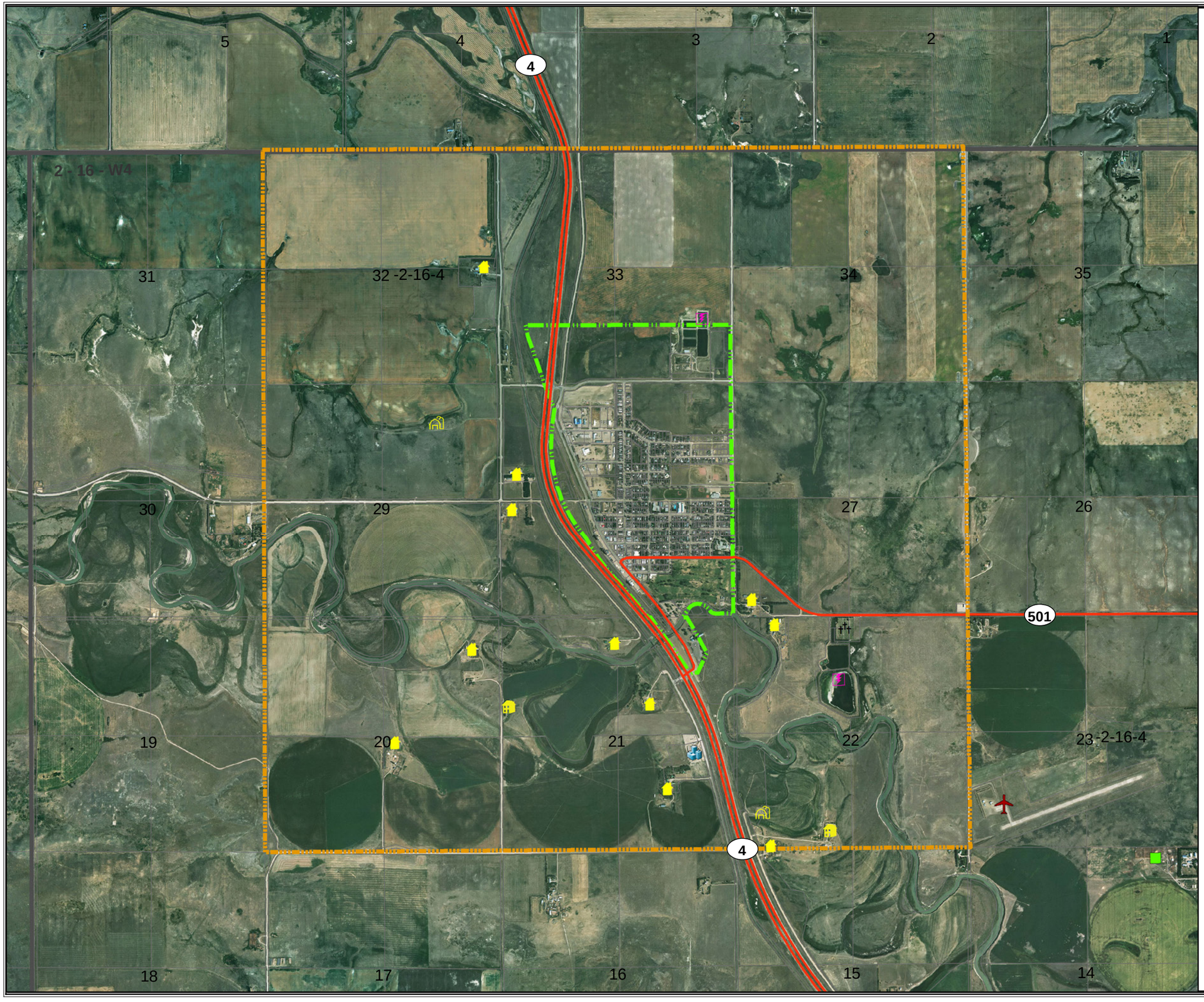
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COUNTY OF WARNER NO. 5 & TOWN OF MILK RIVER INTERMUNICIPAL DEVELOPMENT PLAN

BYLAW No. 956-20 (COUNTY) &
BYLAW No. 1025 (TOWN)

EXISTING LAND USE

MAP 2



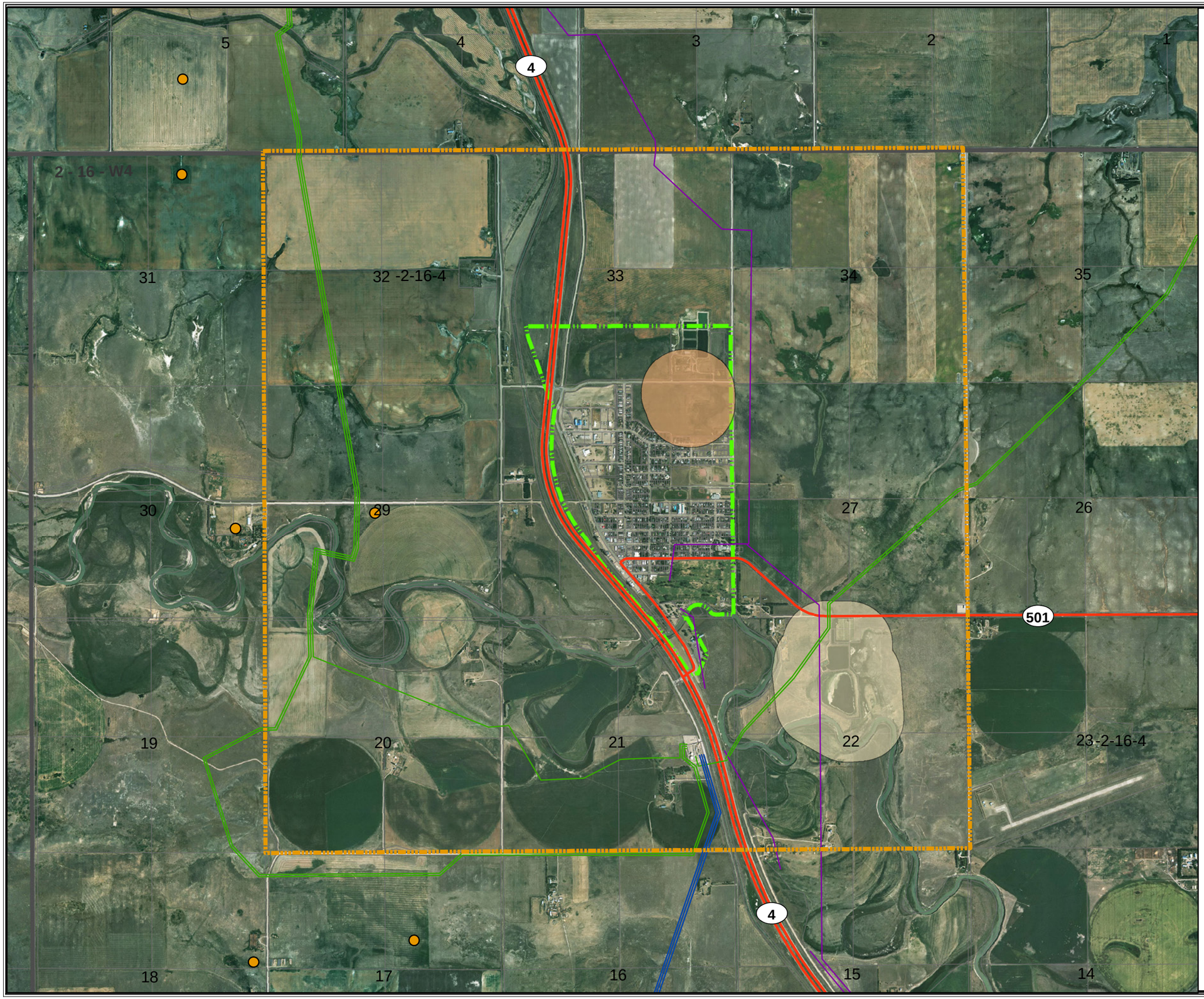
- IDP Boundary
- Town of Milk River Boundary
- Highways
- Airport
- Farmstead
- Farm Building
- Country Residence
- Industrial
- CFO
- Cemetery
- Utilities

Aerial Photo Date: 2015

Oldman River Regional Services Commission

0 0.5 1 2 Kilometers

N



COUNTY OF WARNER NO. 5 & TOWN OF MILK RIVER INTERMUNICIPAL DEVELOPMENT PLAN

BYLAW No. 956-20 (COUNTY) & BYLAW No. 1025 (TOWN)

LAND USE CONSTRAINTS

MAP 3

- IDP Boundary
- Town of Milk River Boundary
- Highways
- Sewage Lagoon Buffer - 300m
- Non-Operating Landfill Site Buffer - 300m
- Abandoned Wells[1]

Pipelines - Substance[1]

- Crude Oil
- Natural Gas
- Salt Water

Source:

[1] Alberta Energy Regulator, 2016

Aerial Photo Date: 2015

Oldman River Regional Services Commission

0 0.5 1

Kilometers

N

COUNTY OF WARNER NO. 5 & TOWN OF MILK RIVER INTERMUNICIPAL DEVELOPMENT PLAN

BYLAW No. 956-20 (COUNTY) &
BYLAW No. 1025 (TOWN)

FUTURE LAND USE CONCEPT

MAP 4

32
33
34
29
27

- Town of Milk River Boundary
- Highways
- 300m Buffer From Non-Operating Landfill Site
- 300m Buffer From Operating Waste Water Treatment Plant
- Likely Area of Residential Expansion - Town
- Likely Area of Industrial and Commercial Expansion - Town
- Likely Area of Public and Institutional Expansion - Town

Aerial Photo Date: 2015

OLDMAN RIVER REGIONAL SERVICES COMMISSION

0 0.25 0.5 1
Kilometers

N

COUNTY OF WARNER NO. 5 & TOWN OF MILK RIVER INTERMUNICIPAL DEVELOPMENT PLAN

BYLAW No. 956-20 (COUNTY) & BYLAW No. 1025 (TOWN)

ZONING

MAP 5

- IDP Boundary
- Town of Milk River Boundary
- Highways

Town of Milk River Land Use Districts

- Residential - R1
- Manufactured Home Residential - R2
- Large Lot Residential - R3
- Retail / General Commercial - C1
- Highway Commercial - C2
- Light Industrial - I1
- General Industrial - I2
- Railway - RY
- Public & Institutional - PI
- Urban Reserve - UR
- Direct Control - DC

County of Warner Land Use Districts

- Extensive Agriculture -AG
- Urban Fringe (UF)
- Linear Parcel Direct Control - LPDC

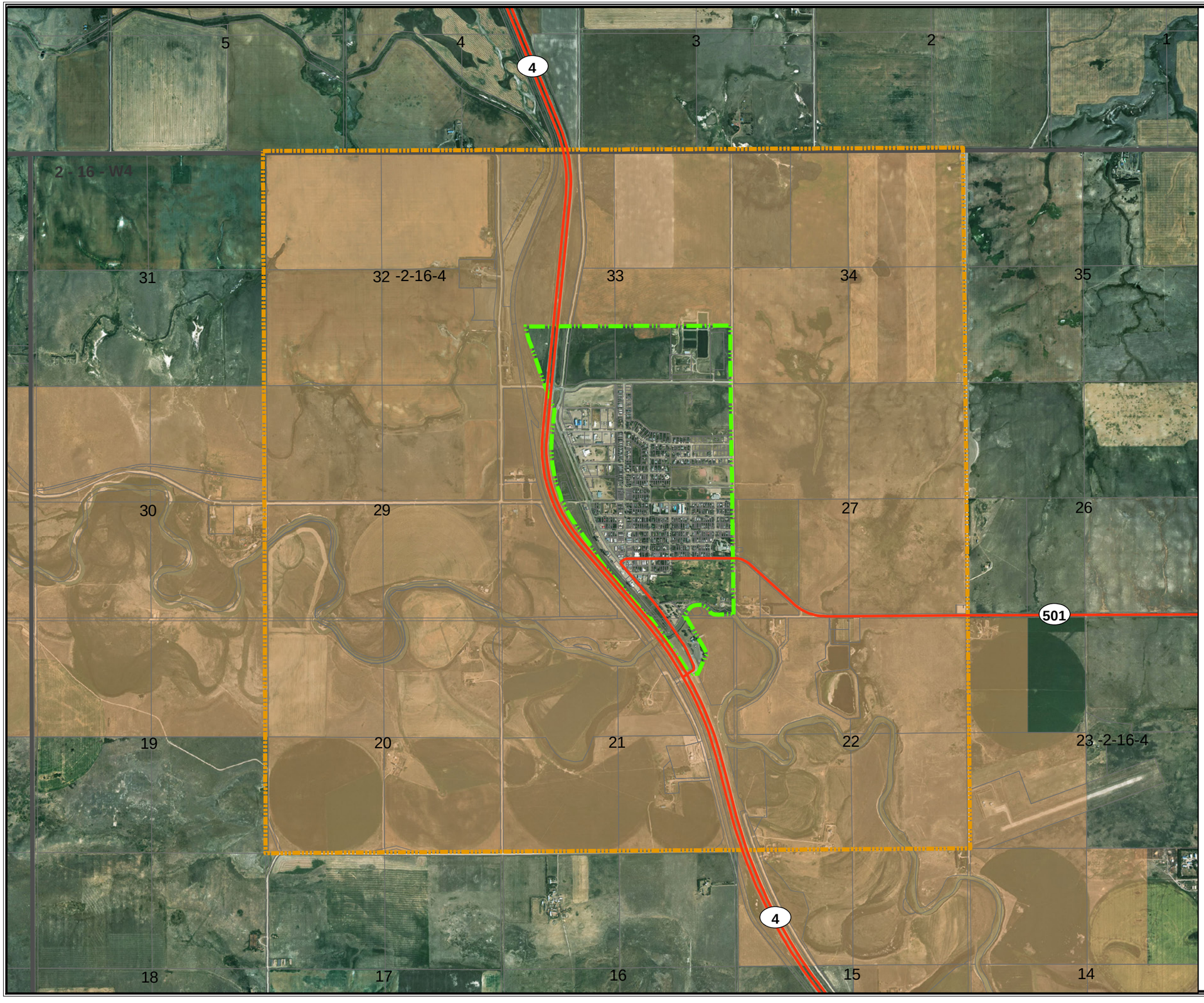
Aerial Photo Date: 2015

Oldman River Regional Services Commission

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Kilometers

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COUNTY OF WARNER NO. 5 & TOWN OF MILK RIVER INTERMUNICIPAL DEVELOPMENT PLAN

BYLAW No. 956-20 (COUNTY) &
BYLAW No. 1025 (TOWN)

CONFINED FEEDING OPERATION EXCLUSION AREA

MAP 6

- IDP Boundary
- Town of Milk River Boundary
- Highways
- Confined Feeding Operation Exclusion Area

Aerial Photo Date: 2015

Oldman River Regional Services Commission

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COUNTY OF WARNER NO. 5 & TOWN OF MILK RIVER INTERMUNICIPAL DEVELOPMENT PLAN

BYLAW No. 956-20 (COUNTY) & BYLAW No. 1025 (TOWN)

HISTORIC RESOURCE VALUES

MAP 7

- IDP Boundary
- Town of Milk River Boundary
- Highways

Historic Resource Values (HRV)[1]*

- HRV 4: Contains a Historic Resource That May Require Avoidance
- HRV 5: High Potential to Contain a Historic Resource

Source:

* Refer to AB Culture and Tourism "Listing of Historic Resources Instructions For Use" for HRV descriptions and categories.

[1] Alberta Culture and Tourism
Government of Alberta, April 2017

Aerial Photo Date: 2015

Oldman River Regional Services Commission

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COUNTY OF WARNER NO. 5 & TOWN OF MILK RIVER INTERMUNICIPAL DEVELOPMENT PLAN

BYLAW No. 956-20 (COUNTY) & BYLAW No. 1025 (TOWN)

NATURAL FEATURES

MAP 8

- IDP Boundary
- Town of Milk River Boundary
- Highways
- Environmentally Significant Areas[1]
- Wetlands[2]
- Waterbodies

Environmentally Significant Areas (ESAs) illustrated on this map are based on macro-scale provincial data and may not depict the full extent of ESAs within the Plan Area. This data is to be used for general information only and is supplementary to other more detailed sources of information the municipalities and province may have regarding ESAs.

Source:

[1] Environmentally Significant Areas in Alberta: 2014 Update, Alberta Parks

[2] Government of Alberta, 2015

Aerial Photo Date: 2015

Oldman River Regional Services Commission

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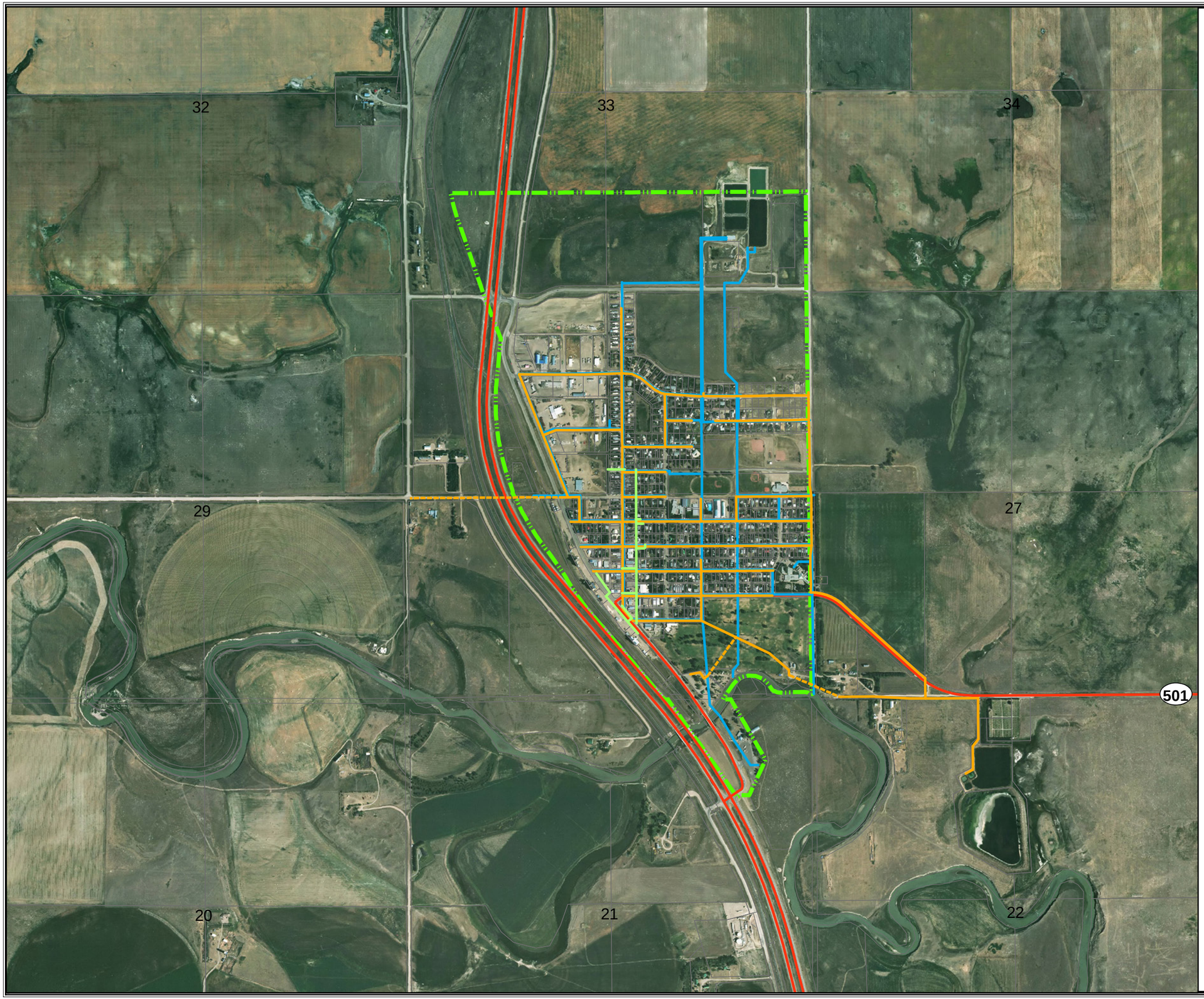
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COUNTY OF WARNER NO. 5 & TOWN OF MILK RIVER INTERMUNICIPAL DEVELOPMENT PLAN

BYLAW No. 956-20 (COUNTY) & BYLAW No. 1025 (TOWN)

EXISTING INFRASTRUCTURE

MAP 9



- Town of Milk River Boundary
- Highways
- Milk River Sanitary Gravity Main
- Milk River Sanitary Pressure Main
- Milk River Storm Main
- Milk River Water Main

Aerial Photo Date: 2015

Oldman River Regional Services Commission

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Kilometers

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COUNTY OF WARNER NO. 5 & TOWN OF MILK RIVER INTERMUNICIPAL DEVELOPMENT PLAN

BYLAW No. 956-20 (COUNTY) &
BYLAW No. 1025 (TOWN)

SOIL CAPABILITY FOR AGRICULTURE INDEXED BY CANADA LAND INVENTORY

MAP 10

- IDP Boundary
- Town of Milk River Boundary
- Highways

Soil Type[1]

- 3 - Moderately High Productivity, Moderately Severe Crop Limitations
- 4 - Low to Medium Productivity, Severe Crop Limitations
- 5 - Soils that are unsuitable for annual cultivation These soils could be improved for the production of perennial forages or pasture
- 6 - Have some natural grazing potential but where improvement practices are not feasible

[1]Source: Canada Land Inventory, National Soil DataBase, Agriculture and Agri-Food Canada. 1998.

Aerial Photo Date: 2015

Oldman River Regional Services Commission

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Kilometers

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