

BYLAW 06/19

BEING A BYLAW OF FLAGSTAFF COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ADOPTING THE MUNICIPAL DISTRICT OF PROVOST NO. 52 / FLAGSTAFF COUNTY INTERMUNICIPAL DEVELOPMENT PLAN.

WHEREAS Section 631(1) of the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta, provides that two or more Councils may, by each passing a Bylaw, adopt an Intermunicipal Development Plan;

WHEREAS Council deems it desirable to adopt an Intermunicipal Development Plan with the Municipal District of Provost No. 52;

WHEREAS Council recognizes that the lands contained within the Intermunicipal Development Plan will remain under the jurisdiction of Flagstaff County, and that the Intermunicipal Development Plan provides a basis for cooperation and communication on matters of mutual interest;

WHEREAS notice of the proposed Bylaw and Public Hearing will be given pursuant to Section 606(2) of the Municipal Government Act, being Chapter M-26 of the Statutes of Alberta;

NOW THEREFORE the Municipal Council of Flagstaff County duly assembled enacts as follows:

THAT THE MUNICIPAL DISTRICT OF PROVOST NO. 52 / FLAGSTAFF COUNTY INTERMUNICIPAL DEVELOPMENT PLAN, AS ATTACHED AND FORMING PART OF THIS BYLAW BE ADOPTED.

THIS BYLAW SHALL COME INTO EFFECT UPON THIRD AND FINAL READING THEREOF.

READ A FIRST TIME THIS 14th DAY OF August, A.D. 2019,

Reeve

Chief Administrative Officer

READ A SECOND TIME THIS 25th DAY OF September, A.D. 2019,

Reeve

Chief Administrative Officer

READ A THIRD TIME AND FINALLY PASSED THIS 25th DAY OF September, A.D. 2019.

Reeve

Chief Administrative Officer

INTERMUNICIPAL DEVELOPMENT PLAN

BETWEEN

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



AND

FLAGSTAFF COUNTY



SEPTEMBER 2019

M.D. of Provost Bylaw #2291

Flagstaff County Bylaw #06/19

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DEFINITIONS:

“Act”	means the <i>Municipal Government Act</i> , R.S.A. 2000, c. M-26, amended as of April 1, 2018.
“Councils”	mean the municipal councils of the Municipal District of Provost and Flagstaff County in conjunction.
“Municipalities”	refers to both the Municipal District of Provost and Flagstaff County in conjunction.
“Municipality”	is an indiscriminate term used in this document to refer to the Municipal District of Provost or Flagstaff County.
“County”	means Flagstaff County.
“M.D.”	means the Municipal District of Provost.
“Plan”	means this Intermunicipal Development Plan.

1.0. INTRODUCTION AND OBJECTIVES

The M.D. of Provost and Flagstaff County exist as neighbouring municipalities in East Central Alberta in a rural prairie landscape that share over 23 straight miles of borderland with the unique added aspect of the Battle River constituting the shared border. Moreover, a substantial amount of industrial development in close proximity to their shared border is characteristic of the level of oil and gas operations throughout both Municipalities. Due to their shared border, they have decided to provide for the long-term planning of rural lands between the two Municipalities. They also value the advantages of predetermined processes for land use and development where one municipality’s border areas are affected by the other’s new developments. Therefore, both of the Municipalities have decided to develop an Intermunicipal Development Plan to provide a predetermined framework to make long-term land use planning decisions.

Intermunicipal Development Plans are broad-based policy documents that strive for environmentally responsible development without significant unnecessary costs and unacceptable negative impacts on the Municipalities.

This Plan will provide a platform to formalize the strong relationship between the M.D. and the County. By doing so, it is hoped that the potential for future disputes is minimized. However, if a future dispute does occur, the Plan also indicates the dispute resolution process that is agreed upon by both Municipalities.

Land use planning decisions made by both Municipalities affect and influence one another. Prominent planning issues include conflicts between differing rural land uses and coordinating infrastructural improvements. Positive relationships will lead to sharing of resources, achieving economic development goals and more efficient municipal and community services. An Intermunicipal Development Plan is arguably the most critical tool in initiating those advantages.

Municipal staff have consulted with Fringe Area residents, landowners, and businesses to develop the subsequent policies encapsulated in this Plan. Public input was sought on different occasions before the Plan was presented for adoption. The Municipalities believe the Plan will guide future growth and provide a forum for potential intermunicipal collaboration on a wide range of issues. To that extent, the Municipal District of Provost and Flagstaff County intend to adhere to this Plan by achieving the following objectives:

- a) To protect existing land uses to prevent encroachment.
- b) To support reasonable and practical planning for future infrastructure needs.
- c) To implement fair and consistent regulations for properties on the boundary.
- d) To provide a framework of mutual cooperation and communication for the decision-making and resolution of planning and development matters.
- e) To engage in fringe reciprocity measures to ensure the interests of both Municipalities are acknowledged and accounted for.
- f) To ensure a transparent process and subsequent results for stakeholders.
- g) To develop this Plan to provide clarity and continuity for future governance of the Fringe Area and the respective Municipalities.
- h) To administer and follow effective referral mechanisms and dispute resolution mechanisms.

2.0. PLAN INTERPRETATION

1. All words in the Plan shall have the same meaning as defined in the *Municipal Government Act*. For words not defined under the *Municipal Government Act*, their meaning shall be as is understood in everyday language.
2. The word “shall” is interpreted as meaning an obligatory direction.
3. The word “may” is interpreted as meaning a choice exists with no preferred direction intended.

3.0. MUNICIPAL GOVERNMENT ACT (ACT) REQUIREMENTS

As of July 1st, 2018, the development and implementation of an Intermunicipal Development Plan is mandated by the *Municipal Government Act* R.S.A. 2000, c. M-26 (as amended).

As established by the *Act*, an Intermunicipal Development Plan is a statutory document and in accordance with Section 631 of the *Act* stating that:

631(1) Two or more councils of municipalities that have common boundaries [...] must, by each passing a bylaw [...], adopt an intermunicipal development plan to include those areas of land lying within the boundaries of the municipalities as they consider necessary.

In addition, **Section 631(2)** of the *Act* states that this Plan **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.

Following **Section 631(2)** of the *Act*, this Plan **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.

4.0. IDENTIFICATION OF FRINGE AREA

Note: For a visual representation of the Fringe Area shared by the Municipal District of Provost and Flagstaff County, refer to Appendix A.

Due to the majority of the border shared by the M.D. of Provost and Flagstaff County set by the natural course of the Battle River, the establishment of the Fringe Area will begin at the bank of the river on either side of the water. With that, the Fringe Area will be the lands within a reasonable distance of 1 mile on either side of the Battle River in cases where the border is specifically marked as the River's course. In the case of the shared border between Highway 13 and Township Road 430 where the border does not follow the Battle River, the Fringe is established as the lands within a reasonable distance of 1 mile on either side of the shared border.

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

4.1 DISCRETIONARY LAND USE REGULATIONS FOR FRINGE AREA

All new developments within the Fringe Area defined as a discretionary use shall require the Referral Process between the two Municipalities to ensure transparency, fairness to neighbouring residents and landowners, and proper notification to the surrounding communities. Further, uses identified within both Municipalities' Land Use Bylaws in regards to their District regulations are acceptable for review with no specific needs for exclusion.

Due to the environmental sensitivity and importance of the Battle River (which constitutes the majority of the border shared between the M.D. of Provost and Flagstaff County), all new discretionary developments shall require the Referral Process as part of the development application process. In addition, the land in the Fringe Area that is accounted for in the Rosyth Area Structure Plan would require the Referral Process as part of the development application.

Furthermore, certain circumstances shall certainly require the Referral Process, such as situations warranting a rezoning of lands within the Fringe Area. For example, the Municipal District of Provost requires a rezoning of lands to accommodate substantive industrial development (i.e. the development of a Wind Energy Conversion System [WECS], etc.). Therefore, if such substantive industrial development were to be proposed within the Fringe Area, it would serve as an instance where the Referral Process would certainly be required. Another instance that would require the Referral Process would be a proposed development that would adversely affect the neighbouring landowners and Municipality.

5.0 LANDS WITHIN FRINGE AREA

5.1 AGRICULTURAL QUALITY

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

In regards to the productivity of the lands within the Fringe Area, both Municipalities have identified the lands are of marginal productivity and indicate that no enhanced or special capabilities exist or are planned for such lands.

5.2 ENVIRONMENTAL COGNIZANCE

Both Municipalities' adherence to environmental standards, as outlined by Alberta Environment and Parks, is an important aspect of potential future development within the Fringe Area. Specifically, Flagstaff County possesses multiple environmental features outside and within the Fringe Area that have been protected for the enjoyment of the land by their landowners, ratepayers, and tourists alike. Specifically, the Battle River is a particular Environmentally Sensitive Area (ESA) that falls within the Fringe Area, as it constitutes the majority of the border between the M.D. of Provost and Flagstaff County.

This Plan is not intended to be an inhibitor of future growth and/or development by either Municipality. The Plan is simply meant to ensure that responsible and environmentally cognizant methods and means of growth/development shall be undertaken by the proposing parties within the Fringe Area.

Whereas the adherence to environmental standards is important to the Municipalities, both the M.D. of Provost and Flagstaff County shall require, upon the necessary Development Authority's request, an environmental study/report and/or a geotechnical study/report to be undertaken if deemed necessary. If such a study must take place at the Development Authority's request, the Land Use Bylaw of the appropriate Municipality will provide the necessary information for such a study to take place. All costs incurred by an environmental/geotechnical study/report being done will be at the expense of the proposing developer.

5.3 TRANSPORTATION LINKAGES

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

Future growth and development is heavily dependent on major transportation linkages such as Highway 13. In the case of such major transportation linkages, future planning and development that may affect the integrity of infrastructure shall be planned in consultation with Alberta Transportation. Furthermore, any future planning and/or development that would intersect or involve rail lines within the Fringe Area shall require consultation with CP Rail.

Additionally, any substantive development that would pose any change in normal traffic patterns for the neighbouring Municipality or would incur any infrastructural wear or damage to the neighbouring Municipality's infrastructure shall be consented to by the affected Municipality prior to such substantive development taking place. Moreover, any costs borne from repairs to infrastructure that has been damaged due to the neighbouring Municipality's development priorities will be the responsibility of the developing Municipality that damaged said infrastructure.

5.4 BORDER DEVELOPMENTS AND PRIORITIES

Neither Municipality have any immediate/pressing planning or development priorities for the lands within the Fringe Area.

5.5 UTILITY SERVICING

Currently, there are no shared, or future plans to share, utility services between the M.D. of Provost and Flagstaff County. Consequently, a shared agreement in regards to utility servicing between the Municipalities will neither need to occur currently or for the foreseeable future due to lack of demand and lack of population density in the Fringe Area.

5.6 RESIDENTIAL DEVELOPMENT

Residential development, due to the proximity to the Battle River and the area constituted within the Rosyth Area Structure Plan, shall be defined as a discretionary use which would require special approval from the Development Authority of the appropriate Municipality. This is due to the regulations stated in the Land Use Bylaws of the M.D. of Provost and Flagstaff County which state that development near the bank of a river is prohibited to ensure the safety of proposing developers and residents. Moreover, the development of a Multi-Lot/Country Residential subdivision in the area within the Rosyth Area Structure Plan shall be prohibited to mitigate the potential for land use incompatibilities and disturbance to the industrial and agricultural lands within the Fringe Area.

5.7 ROSYTH AREA STRUCTURE PLAN

The number of industrial and commercial developments within the Fringe Area is abundant due, in part, to the Rosyth Area Structure Plan, as established by the M.D. of Provost's Bylaw No. 2200. The oil and gas industry within the Area has become a large contributor to the economies of both Municipalities and economic viability of residents living in both Municipalities and surrounding areas. Therefore, the preservation of the existing development within the Area is of immense importance to both Municipalities.

In the case of the area defined within the Rosyth Area Structure Plan within the Fringe Area, any future proposed development that would fall within said Area shall fall under the jurisdiction of the policies contained within the Rosyth Area Structure Plan (Bylaw 2200). Moreover, any proposed land uses that would be considered as incompatible with the existing established land use districts within the Fringe Area (in accordance with the permitted and discretionary land uses stated in the Land Use Bylaws of the M.D. of Provost [Bylaw No. 2157] and Flagstaff County [Bylaw No. 09/18]) shall initiate the Referral Process, which is outlined in Section 11.0 of this Plan between the M.D. and the County.

6.0. LAND USE COMPATIBILITY AND ENCROACHMENT

As part of the mutual cooperation and respect for each Municipality's jurisdiction, potential land uses and developments must recognize and be sensitive to existing landowners, and incompatible developments are to be prevented. Ill-planned or uncoordinated planning efforts by either Municipality have the potential to cause conflict between rural fringe uses within the Fringe Area. Therefore, the importance of development consultation between the Municipalities is paramount to alleviate conflict or tension between existing landowners. To this extent, the referral process will ensure that proper and reasonable planning will occur through the development permit and subdivision approval process to limit the adverse effects of new developments on preexisting land uses.

Both Municipalities recognize similar land uses and rural activities due to their similar zoning of Agricultural Districts in the Fringe Area. Moreover, both Municipalities place immense importance on the conservation of agricultural land thus, those sensitive discretionary land uses identified in Section 4.1, such as major industrial development within the Fringe Area that may cause significant effects to neighbouring landowners (i.e. WECS), would require mandatory consultation between the Municipalities before such development takes place. Additionally, both Municipalities shall support substantial industrial and commercial development within the Fringe Area, provided that it:

- a) is based on an identified need,
- b) is consistent with the overall planning strategy of the adjacent rural municipality, and
- c) is, where practical, directed to areas of non-productive agricultural land.

Additionally, in Section 4.1, any proposed development that would have negative effects on the neighbouring land uses shall, under the Development Authority's discretion, be denied a development permit so as to mitigate conflict between neighbouring land owners and uses.

7.0. CONFINED FEEDING OPERATIONS (CFOs) AND NRCB APPLICATIONS

Due to the lands within the Fringe Area being primarily used for agricultural purposes, the possibility of a CFO development proposal in the Fringe Area is not improbable. With that being said, the nature of large-scale feedlot and intensive livestock operations and the important issue of air quality and groundwater proximity, exclusion zones are acknowledged and identified for those operations falling under the jurisdiction of the Natural Resource and Conservation Board (NRCB) authority as established by the Agricultural Operations and Protection Act (AOPA) as well as for those operations which fall under the threshold of the NRCB limits, but still require development consideration from the appropriate Municipality.

Due to the proximity of the lands within the Fringe Area to the Battle River, neither Municipality shall permit or approve the development of a CFO within the Fringe Area, in congruence with the Municipal Development Plans of Flagstaff County (Bylaw No. 10/18) and the M.D. of Provost (Bylaw No. 2132). Moreover, the natural terrain of many lands within the Fringe Area would preclude a prospective developer from indicating a safe and adequate area for such a large

development to take place in any instance. In addition, the Municipal Development Plan (MDP) (Bylaw No. 2132) of the M.D. of Provost mandates that any possibility of groundwater, well, or spring contamination by manure storage facilities shall be avoided thus, the protection of such bodies of water within the Fringe Area must be acknowledged and upheld by both Municipalities in the Area.

8.0. OIL AND GAS OPERATIONS AND AER APPLICATIONS

Oil and gas operations in both Municipalities are abundant in number which, consequently, increases the need for intermunicipal collaboration and cooperation in regards to the management of energy resource development. With that being said, oil and gas operations are under the regulating and approval authority of the Alberta Energy Regulator, as established by the Oil and Gas Conservation Act, which can create a potential for conflict within the Fringe Area for existing oil and gas facilities as well as the development of new facilities and operations.

With this potential for conflict, the necessity of this Plan is immense as it addresses the issuance of consents for road use, land access, and buried services crossing municipal infrastructure in the following manner:

Wherein an oil and gas installation is requesting access to lands within one Municipality from the neighbouring Municipality's rights of way, consent shall be issued by the Municipality whose right of way is affected.

9.0. ADJUDICATION PROCESS FOR APPLICATIONS WITHIN FRINGE AREA

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

10.0 INTERMUNICIPAL PLANNING COMMITTEE

In order for any plan to succeed, it must set a policy for how and when it should be reviewed. Both municipalities should also identify those people responsible for conducting the reviews.

Goal:

Establish the methods for exchanging information, reviewing the Plan, and providing a forum to discuss topics regarding development of mutual interest.

Policies:

- a. The Intermunicipal Planning Committee is comprised of the following:
 - Both C.A.O.s of the M.D. of Provost and Flagstaff County (or their Administrative designates)

- Two Council members from the M.D. of Provost, less those Councillors who are also members of the SDAB
 - Two Council members from Flagstaff County, less those Councillors who are also members of the SDAB
- b. The mandate of the Intermunicipal Planning Committee may include discussion and consideration of the following:
- Taking recommendations on intermunicipal matters that are referred by either the M.D. of Provost or Flagstaff County;
 - Monitoring the performance of the Plan, including overseeing implementation actions;
 - Reviewing any proposed amendments to this Plan; and
 - Assisting with the resolution of disputes in accordance with this Plan.
- c. The Intermunicipal Planning Committee shall make decisions and recommendations on a majority consensus basis.
- d. The Intermunicipal Planning Committee shall meet **biennially** to discuss planning issues of mutual interest and reflect on how the Plan is working, as well as on an as-needed basis to resolve or further discuss any issues.
- e. The responsibility for providing administrative support to the Intermunicipal Planning Committee shall be reviewed by the M.D. of Provost Council and the Council of Flagstaff County on a **biennial** basis. Administrative support shall be provided and procedures to be followed shall include:
- The establishment of dates and locations for all meetings, production of agendas, distribution of pre-meeting information packages, and other matters as deemed necessary;
 - Keeping a record of the Committee meetings; and
 - Convening meetings as required by the Plan.

11.0. REFERRAL PROCESS FOR APPLICATIONS WITHIN FRINGE AREA

A pillar of a successful Intermunicipal Development Plan is an open and thorough discussion of issues impacting the Fringe Area. Good communication shall ensure that development requests needing approval from both Municipalities shall be done in an efficient and effective manner. The Referral Process within the Plan is not meant to create any unnecessary roadblocks for development, but to maintain open means of communication to ensure that the livelihoods and quality of life of residents in both Municipalities are not disturbed or negatively impacted by future development.

The referral areas for each municipality will be as follows:

All land uses, as identified in Section 4.1 above or those that involve shared transportation linkages or ESAs, shall be referred to each municipality for comment and review prior to the respective municipal adjudication process.

The Referral Process will be as follows:

1. All new discretionary development, as identified in Section 4.1, shall require the Referral Process between the two Municipalities involved to ensure transparency, fairness to neighbouring residents and landowners, and proper notification to the surrounding landowners as well.
2. The Municipality within which any development, subdivision, land use bylaw amendment, or other matter is proposed (hereinafter referred to as “the proposing Municipality”) shall share information, data or studies, road plans and utility plans that may have implications for the Fringe Area that would affect the other Municipality (hereinafter referred to as “the responding Municipality”).
3. The proposing Municipality shall refer to other possible proposed statutory plans, concept plans, land use bylaw/order and amendments to any of these documents where such proposals may affect land within the Fringe Area.
4. The responding Municipality shall have **twenty-one (21) days** to review and comment on any referrals. The responding Municipality may request an extension of the initial review period. The proposing Municipality sending the referral may agree to an extension of the review period and, where an extension is provided, it shall be communicated in writing.
5. Subject to a written and signed intermunicipal memorandum of understanding, items subject to referral and their respective timelines for submitting comments may be added or deleted without the need for a formal amendment to this Plan.
6. Planning and development issues that become evident during a circulation review through the communication and referral process will be communicated to the proposing Municipality in writing. In order to facilitate the cooperative development process, the Municipalities shall address the issues or source of contention using the following process:

Stage 1: Administrative Review

Every attempt shall be made to discuss the issue between the Municipalities’ Chief Administrative Officers and Development Authorities with the intent of arriving at a mutually acceptable resolution. If an agreement or understanding on how to approach the issue is reached, the affected Municipality shall indicate the same to the proposing

Municipality in writing. If an agreement cannot be reached within **sixty (60) days**, the matter shall be referred to the Intermunicipal Planning Committee. Unless otherwise openly objected to by the responding Municipality's Administrative Officers, it shall indicate a statement of non-objection and development shall proceed as planned by the proposing Municipality.

Stage 2: Intermunicipal Planning Committee Review

If an issue is referred, a meeting shall be scheduled within **thirty (30) days** of the administrative disagreement to allow both Administrations to present their perspectives and views on the issue to the Committee for review.

The Intermunicipal Planning Committee may:

- a) Provide suggestions back to both Administrations on how to address the issue and refer the matter back to the Administrative Review stage;
- b) Seek additional information and alternatives for consideration at a future meeting of the Intermunicipal Planning Committee;
- c) If possible, agree on a consensus position that resolves the issue; or
- d) Conclude that no initial agreement can be reached, and the development matter will be left to the respective Municipality's Development Authority for adjudication, with the objecting Municipality having the ability to refer the matter to the dispute resolution process as outlined for an approved development permit or subdivision application.

In the event that the Intermunicipal Planning Committee reaches consensus and resolves the issue, the details of the consensus shall be provided to the Municipalities in writing within **fifteen (15) days** after the decision was reached.

12.0. DISPUTE RESOLUTION PROCESS

This is a mandatory component of the Plan as per the *Act*. While the intent is to avoid municipal appeals of decisions to the SDAB, an unresolvable issue, or proceeding to an appeal to the Municipal Government Board (MGB), there may be issues or applications that still need to be administered. Where a decision leads to contention between the two partner Municipalities, the process indicated below will occur in respect to the decision.

For the Dispute Resolution Process, a Dispute Resolution Committee will serve for the interests of both Municipalities and is comprised of an equal number of appointed representatives from both Municipalities, which includes the Administrators and Development Authorities and two Council members from each Municipality, less those who serve on the SDAB.

The following shall form the basis for initiating the dispute resolution process:

- a) Lack of agreement between the Municipalities on any proposed amendment to this Plan;
- b) Lack of agreement between the Municipalities on any proposed statutory plan, concept plan, land use bylaw or amendment to any of these documents affecting lands within the Fringe Area which have not been reconciled through the Referral Process;
- c) Lack of agreement between the Municipalities on an interpretation of this Plan; or
- d) Lack of agreement between the Municipalities on an approved development permit or subdivision application affecting lands within the Fringe Area which have not been reconciled through the Referral Process.

The dispute resolution process of this Plan may only be initiated by the Council of either the M.D. or the County and shall only be used for resolving intermunicipal planning disputes. Where either Municipality has received written notice of a dispute from the other Municipality, the Dispute Resolution Process shall be started within **fifteen (15) calendar days** of the date the written notice was received unless otherwise agreed to by the Administrator of the Municipality that sent the notice.

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

Stage 1: Mediation Process

In accordance with Section 690(1)(c) of the *Act*, engaging a mediator is mandatory in order for an appeal to occur before the Municipal Government Board (MGB), unless otherwise able to provide reasonable and valid evidence as to why a mediator was not engaged. Therefore, it is the best practice to engage a mediator to resolve a dispute through a neutral entity. A dispute is referred for mediation which shall be used to reach an agreement unless otherwise deemed unnecessary by the Councils of the responding Municipality and proposing Municipality. Prior to the commencement of the mediation process, the Municipalities shall:

- 1. Appoint an equal number of representatives from both Municipalities' administration and Council to participate in the mediation process on a Dispute Resolution Committee;
- 2. Engage a mediator agreed to by both Municipalities at equal cost to both parties; and
- 3. Approve a mediation process and schedule. Mediation should commence no later than **thirty (30) days** following the date the written dispute notice was received.

In addition to the above process, the following policies shall apply:

- 1. If agreed to by the Dispute Resolution Committee, Municipal Administration may be used as a resource during the Mediation Process.

2. All discussions and information related to the Mediation Process shall be held in confidence until the conclusion of the Mediation Process.
3. The process shall be deemed as finished once the mediator submits a report to the Administrators of both Municipalities, which shall be presented to the individual Councils by their respective Administrator for acceptance or rejection.
4. The mediator's report and recommendations shall not be binding on either Municipality.
5. For disputes that cannot be appealed, the mediator's report shall be considered binding.
6. If the Councils accept the mediator's report in their respective meetings, this shall be communicated in writing to the other Municipality within **fifteen (15) days** following the decision and the matter shall be considered resolved. The report shall be introduced through the public hearing process along with any necessary amendments to the proposed bylaw or plan.
7. If mediation is not undertaken or the mediator's report is not accepted by the Councils, then the disputing Municipality may begin the Appeal Process where permitted to do so by the *Act*.

Stage 2: Appeal Process

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

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

Both the M.D. and the County agree that time shall be of the essence when working through the Dispute Resolution Process.

13.0. IMPLEMENTATION, ADMINISTRATION, REVIEW, AMENDMENTS AND REPEAL OF INTERMUNICIPAL DEVELOPMENT PLAN

This is also a mandatory component of the Plan as per the *Act*. The Plan is seen as a living document, in that it is open to review, amendment and effect within a term agreed upon by the Municipalities in accordance with the following stipulations:

1. Upon adoption, the Plan will supersede previous policies, studies or resolutions for the Fringe Area contained within.

2. The M.D. shall be responsible for the administration and decisions on all statutory plans, land use bylaws, amendments thereto, and subdivision and development applications falling within the boundaries of the M.D. of Provost.
3. The County shall be responsible for the administration and decisions on all statutory plans, land use bylaws, amendments thereto, and subdivision and development applications falling within the boundaries of Flagstaff County.

13.1 FUTURE PLANS AND STUDIES

- a. Prospective development should be prepared and adopted by the Municipality having jurisdiction prior to, or concurrent with changes in a certain land use designation. This requirement shall not apply to those areas that do not involve subdivision or areas deemed to be minor developments by the applicable approving authority.
- b. At the start of a potential development process, the Municipalities shall consult one another to ensure a fair and transparent process for both parties. This may involve obtaining comments on the proposed terms of reference for the plan process, where applicable.
- c. The County and the M.D. shall coordinate future planning efforts including potential collaboration on transportation plans or drainage and feasibility studies.

13.2 PLAN AMENDMENTS

As the Plan is a living document, amendments and alterations may be made to better incorporate the will of the Municipalities in concert. Therefore, an amendment to this Plan may be proposed solely by the Councils, Chief Administrators, or Development Authorities of either the M.D or the County.

The following procedure will be followed in order to amend the Plan:

1. Within **thirty (30) days** of the written notice, an Intermunicipal Planning Committee meeting shall be convened.
2. Following the Intermunicipal Planning Committee meeting, the Municipality or resident initiating the amendment procedure may either withdraw their intention to amend the Plan by giving written notice to the other Municipality or proceed to consider a bylaw in accordance with the *Act* to amend the plan.
3. Once one Municipality has passed a bylaw to amend the Plan the other Municipality shall also proceed to pass a bylaw amending the plan.

4. In the event the Plan is amended, the Municipalities shall amend their Municipal Development Plans respectively to address the intermunicipal issues in accordance with the *Municipal Government Act*, R.S.A. 2000, c. M-26, as amended. Should these required amendments not satisfy the neighbouring Municipality, the matter may be appealed to the Municipal Government Board.

Should the Plan be amended, all other agreements relating to developments in the Fringe Area will continue to be in force, unless otherwise stipulated in the agreements.

13.3 PLAN REVIEW

1. This Plan, will go under mandatory review every **five years** following the date of adoption by the Councils of both Municipalities, unless otherwise reviewed and renewed before such date. If a review does not occur within such a timeline, it will expire indefinitely.

13.4 PROCEDURE TO REPEAL PLAN

- a. If the M.D. or the County deem this Plan as no longer workable, they may initiate the repeal of the Plan. Repeal of the Plan may be accomplished by the Municipalities passing a bylaw in accordance with the repeal provisions of the *Municipal Government Act*.
- b. The following procedure to repeal the Plan shall be applied:
 - i. The Municipality shall give three months written notice, with reasons, of its intention to repeal its bylaw adopting the Plan, or if in mutual agreement the Councils may repeal the adopting bylaws concurrently;
 - ii. Repealing the Plan or withdrawing from it requires both Municipalities to go through the Dispute Resolution Process Stages 1-2.
 - iii. The Municipality initiating the repeal procedure may either withdraw its intention to repeal the Plan by giving written notice to the responding Municipality or proceed to consider a bylaw to repeal the Plan;


In the event that the Plan is repealed, the Municipalities shall amend their Municipal Development Plans to address intermunicipal issues in accordance with the *Act*. Should these required amendments not satisfy the Municipality, the matter may be appealed to the Municipal Government Board.

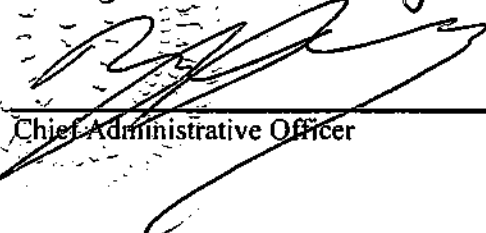
14.0 CORRESPONDENCE

1. Written notice under this Plan shall be addressed as follows:
 - a. In the case of the Municipal District of Provost No. 52 to:
Municipal District of Provost No. 52
c/o Chief Administrative Officer
Box 300
Provost, AB T0B 3S0
 - b. In the case of Flagstaff County to:
Flagstaff County
c/o Chief Administrative Officer
Box 358
Sedgewick, AB T0B 4C0

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

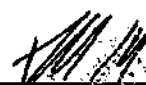
MUNICIPAL DISTRICT
OF PROVOST NO. 52

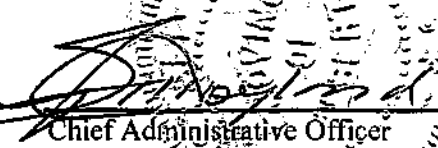


Reeve


Chief Administrative Officer

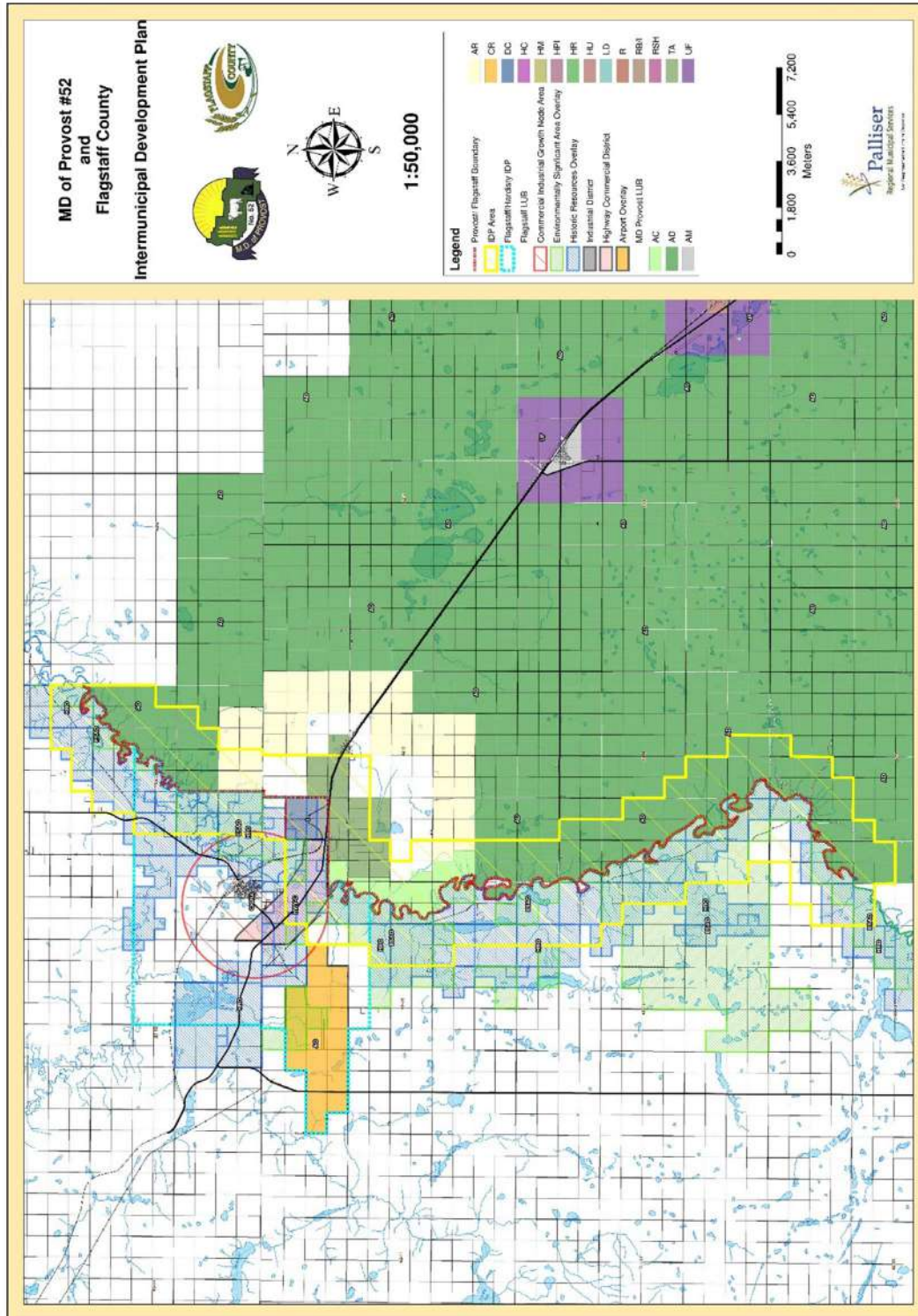
FLAGSTAFF COUNTY



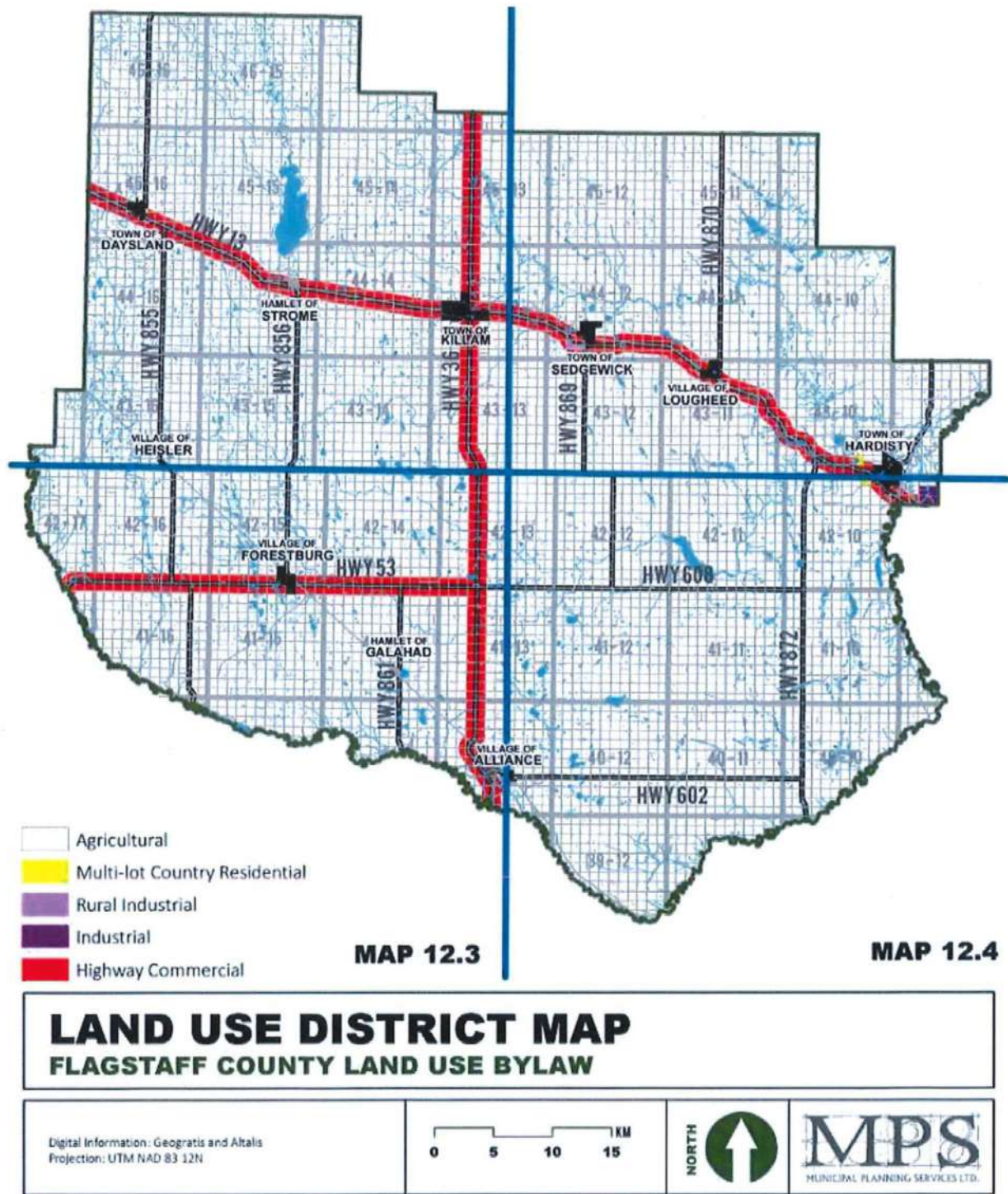
Reeve


Chief Administrative Officer

APPENDIX A – FRINGE AREA MAP

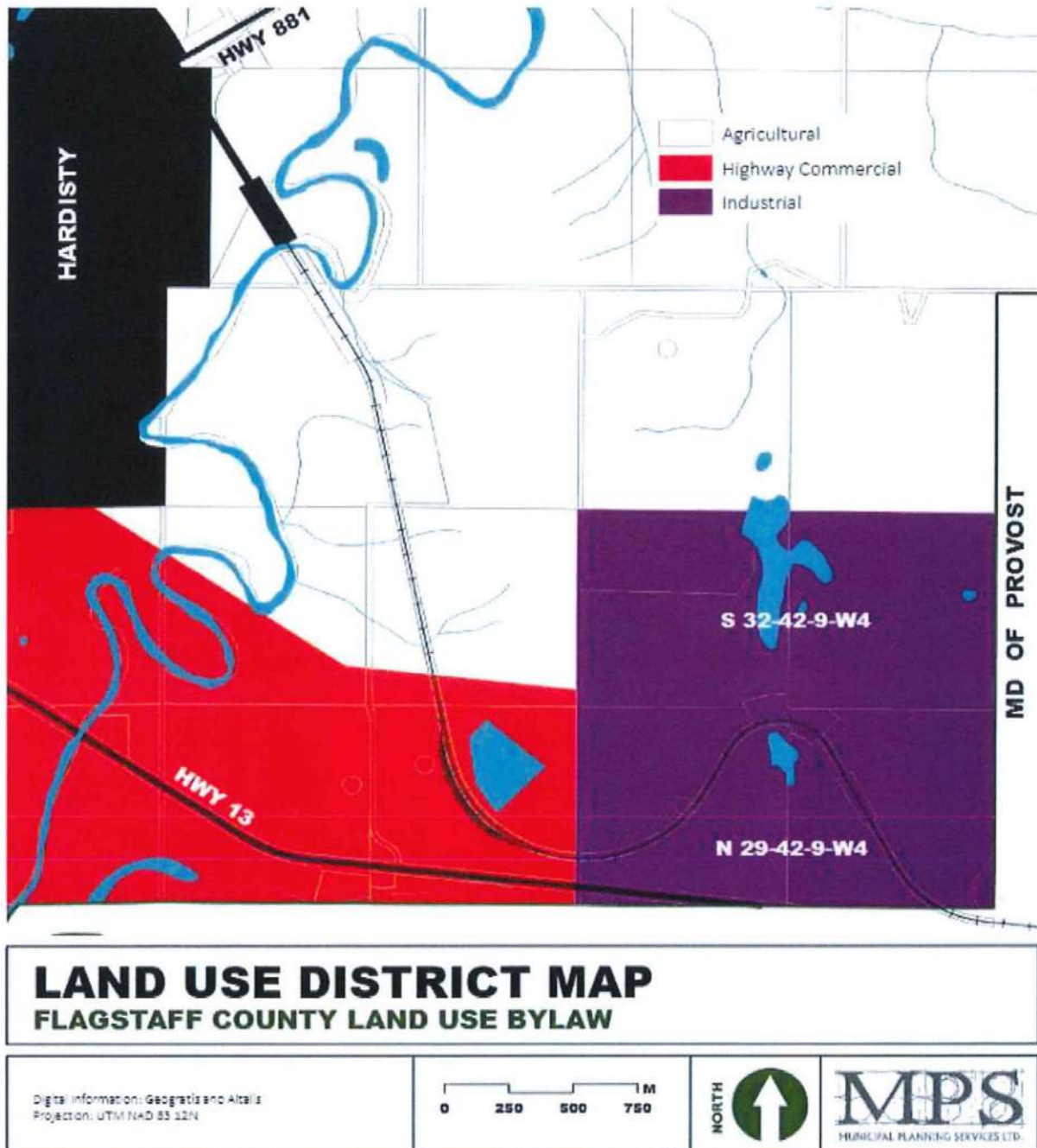


APPENDIX B – FLAGSTAFF COUNTY LAND USE DISTRICT MAP

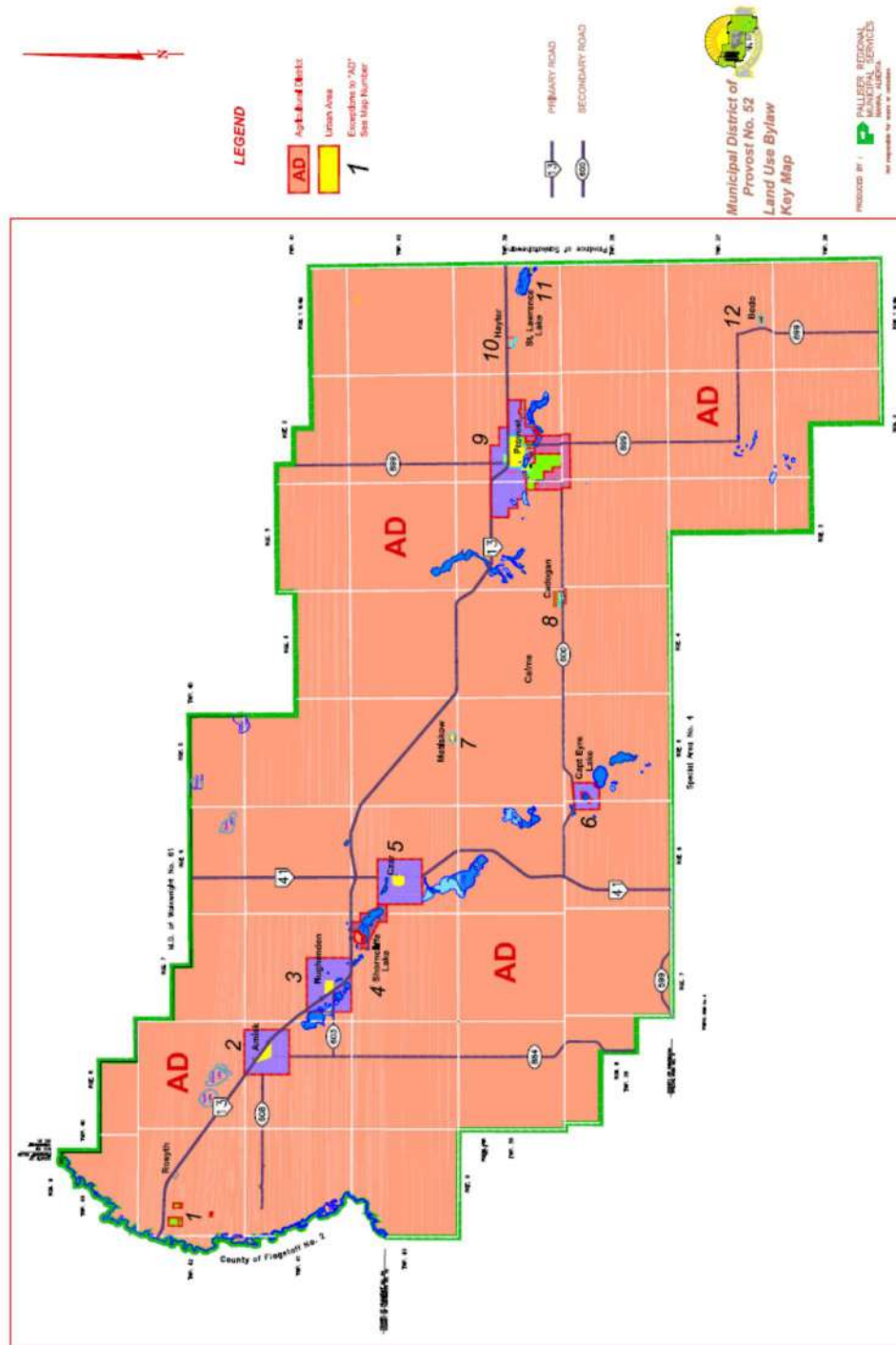


APPENDIX C – FLAGSTAFF COUNTY FRINGE AREA LAND USE DESIGNATION

**INSET MAP 5 - S1/2 32-42-9-W4
& N1/2 29-42-9-W4**



APPENDIX D – M.D. OF PROVOST LAND USE DISTRICT MAP



APPENDIX E – ROSYTH AREA STRUCTURE PLAN

