

BYLAW 16/18

BEING A BYLAW OF FLAGSTAFF COUNTY, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF ADOPTING THE VILLAGE OF HEISLER / 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 Village of Heisler;

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 VILLAGE OF HEISLER / 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 14 DAY OF November, A.D. 2018,



Reeve




Chief Administrative Officer

READ A SECOND TIME THIS 12 DAY OF December, A.D. 2018,



Reeve




Chief Administrative Officer

READ A THIRD TIME AND FINALLY PASSED THIS 12 DAY OF December, A.D. 2018.



Reeve



Chief Administrative Officer

INTERMUNICIPAL DEVELOPMENT PLAN



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A. INTRODUCTION

- 1) The Village of Heisler (Village) and Flagstaff County (County) have agreed to undertake the process for preparing and adopting an Intermunicipal Development Plan (IDP).
- 2) The Village and the County recognize that all municipalities are equals and have the right to growth and development.
- 3) The purpose of the IDP is to accomplish the following within the Plan Area:
 - a) Ensure orderly development, while protecting the area surrounding the Village for future expansion;
 - b) Establish a framework for attracting economic opportunities;
 - c) Improve opportunities to secure a long-term economic base for the region;
 - d) Ensure the municipalities are development ready and future oriented in their efforts to attract economic activity;
 - e) Ensure that the municipalities are developed in a manner that is equitable and fair to the residents of the municipalities; and
 - f) To identify areas for County growth and development.

B. MUNICIPAL PROFILES

Village of Heisler

The Village covers an area of approximately 54 hectares (133 acres), with a population of 151 (Federal Census, 2016). Heisler is a village located along Highway 855 in central Alberta (Map 1). Heisler is located 23 km south of Daysland and 20 km north of Forestburg. The Village is intersected by the Battle River Railway, a community-owned railway operating between Camrose and Alliance. Agriculture is one of the main employers in the region.



Flagstaff County

The County covers an area of approximately 409,478 hectares (1,011,842 acres), with a population of 3,591 (Federal Census, 2016). The County surrounds the towns of Daysland, Hardisty, Killam and Sedgewick; the villages of Alliance, Forestburg, Heisler and Loughheed; and the hamlets of Galahad and Strome. Flagstaff borders six rural municipalities. The economy of the County is primarily based on agriculture, with some oil and gas developments.



C. LEGISLATIVE REQUIREMENTS

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

D. PLAN AREA

- 1) The Intermunicipal Development Plan Area (the Plan Area) are the lands surrounding the Village of Heisler, as shown on Map 1 in Section R.

E. GOALS

- 1) The following are goals that have been identified by the Village and the County for the Plan Area. Some of the goals are of an on-going nature while some may be seen as more time specific.
 - a) Identification of the Referral Area. This is the area in the County, within two miles of the Village, where the County will refer proposed discretionary developments and subdivisions to the Village for review and comment.
 - b) Development of land use policies to provide for and in support of economic development that will benefit the two municipalities economically and socially.
 - c) Development of land use policies to protect prime agricultural lands from premature designation, subdivision and non-farm development.
 - d) Development of a Plan for the provision of utility corridors within the Plan Area to provide for future growth and development of the IDP area, and to ensure oil and gas development/pipelines do not inhibit or restrict the future development of the region.
 - e) Effective coordination of transportation systems and protection of required land for future road and trail network developments.
 - f) Development of land use policies to ensure that future sites for schools and recreation areas are protected.
 - g) Identification and protection of physical features and environmentally sensitive areas.
 - h) Effective referral mechanisms and dispute resolution mechanisms.
 - i) Plan administration and implementation.

F. REFERRAL AREA

- 1) The Referral Area is those lands within the County identified as the Referral Area on Map 1 Plan Area Boundaries & Referral Area. These lands are intended to be developed in a manner that is compatible with the growth of the Village, while still permitting agricultural and residential development in the County.
- 2) All subdivision applications, Land Use Bylaw amendments, Area Structure Plans development permits for discretionary uses within the Referral Area will be referred to the Village for comment. All development permit applications approved by the County Development Authority shall be in accordance with the provisions of this Plan. Any disputes shall be dealt with through the procedure outlined within Section P of this document.
- 3) Development standards will be applied by the County that will ensure that orderly development of the Referral Area can occur.
- 4) Farmstead subdivisions will be permitted within the Referral Area pursuant to the County's Municipal Development Plan. An Area Structure Plan will be required for any multi-lot subdivisions in the Referral Area. Multi-lot subdivisions shall be considered to be any subdivision which will create five or more country residential parcels on a quarter section, excluding quarter sections containing both a farmstead/undeveloped country residential site and fragmented parcel.

G. INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- 1) Flagstaff County, the Village of Heisler and their urban partners have entered into an agreement to form the Flagstaff Regional Subdivision and Development Appeal Board that deals with all subdivision and development appeals within the region.
- 2) All appeals of developments and subdivisions within the Plan Area will be considered by the Flagstaff Regional Subdivision and Development Appeal Board.

H. LAND USE POLICIES

- 1) In accordance with the Flagstaff County Municipal Development Plan all development permits for a discretionary use within the Plan Area will be forwarded to the Village for comment.
- 2) All development permit applications approved by the County's Development Authority shall be in accordance with the Flagstaff County Municipal Development Plan and Flagstaff County Land Use Bylaw. Any disputes shall be dealt with through the procedure outlined within Section P of this document.

- 3) The following land use provisions will apply to all new development within the Referral Area:
 - a) In considering subdivision and development proposals in the Referral Area, the County Subdivision Authority and Development Authority will ensure the proposed subdivision and/or development conforms to the intent of the Map 2 Future Land Use Concept and the land use policies contained herein.
 - b) In considering subdivision and development permit applications in the Referral Area, the County Subdivision Authority and Development Authority will ensure the proposed development is compatible with adjacent uses.
- 4) The Village and County agree to jointly discuss ways to cooperate with provincial and federal agencies and utility providers to help facilitate the efficient delivery of infrastructure and services that are of a mutual benefit.
- 5) Both municipalities shall strive, to the best of their ability and knowledge, to refer all notices of government projects within the Plan Area to the other municipality.
- 6) Within the Plan Area, both municipalities are encouraged to share with the other the results of all publicly available technical analysis, submitted as part of development applications.
- 7) Both municipalities agree that development of lands that are within the Plan Area may contain a historically significant site. Should an area be deemed to have some historical significance, the developer may be required to conduct a Historical Resource Impact Assessment (HRIA) and should contact the appropriate Provincial Government Department regarding the development.
- 8) No new or expanding Confined Feeding Operations within the Plan Area requiring registrations or approvals, or manure storage facilities requiring authorization under the Agricultural Operations Practices Act shall be permitted within the Referral Area.
- 9) Existing developments that were approved through a subdivision or development process prior to the approval of this Intermunicipal Development Plan shall remain in place.

I. ENVIRONMENTAL MATTERS

- 1) All agricultural operators and other users are encouraged to continue best efforts to maintain high standards of water quality.
- 2) Land use and development in flood prone areas are generally discouraged, but where it is considered by the host municipality, it shall be carefully regulated such that there is no negative effect on the adjacent municipality.
- 3) Landowners and residents are encouraged to follow water conservation practices, as established by their respective municipality.
- 4) Both municipalities will endeavour to ensure all sources of potable water supplies within their respective jurisdictions are protected and meet provincial guidelines for water quality.

- 5) The Village and the County agree that development of lands within the Plan Area may impact environmentally significant sites. Development in these areas may be required to:
 - a. conduct an environmental impact assessment (EIA); and,
 - b. contact Alberta Environment and Parks regarding the development.
- 6) Within Flagstaff County, development setbacks from waterbodies and watercourses shall be enforced as per the Land Use Bylaw.

J. WATER AND WASTEWATER SERVICES

- 1) For developments located within the Referral Area requiring or proposed to require water and wastewater services from the Village, the County will submit the relevant portions of the development agreement, including full details on the water and wastewater servicing standards and anticipated volumes, for the Village's approval.
- 2) For developments requiring water and wastewater services in the Referral Area, the Village and County agree to enter into a joint servicing agreement for said services.
- 3) The Village, subject to available capacity, payment of the user fees and Alberta Environment and Parks approval, agrees to continue to accept, from County residents and developments, wastewater from holding tanks that complies with the standards set by the Village.

K. TRANSPORTATION SYSTEMS

- 1) The Village and County will work together to ensure a safe and efficient transportation network is developed and maintained to service the residents and businesses within the IDP area. The Village and County will also cooperate on the development of all future Transportation Master Plans.
- 2) When subdivisions are approved in the Plan Area, all right-of-way requirements will be secured to ensure that long-term transportation and road plans can be implemented when warranted.
- 3) As a condition of subdivision or development approval in the Referral Area, all internal roads within residential and commercial subdivisions shall be developed to County standards.

L. RESOURCE DEVELOPMENT & UTILITY CORRIDORS

- 1) The municipalities will work with representatives from the oil and gas industry to promote resource infrastructure development which does not negatively impact existing and/or future development within the Plan Area.
- 2) Both municipalities agree to refer all oil and gas infrastructure and telecommunication infrastructure related applications in the Plan Area to the neighbouring municipality for review and comment.

M. ECONOMIC DEVELOPMENT

- 1) The municipalities have agreed to work together to promote and support economic development that benefits both municipalities.

N. PLAN ADMINISTRATION AND IMPLEMENTATION

Adoption Process

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

Approving Authorities

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

Plan Amendments

- 1) An amendment to this Plan may be proposed by either municipality. An amendment to the Plan proposed by a landowner shall be made to the municipality in which the subject land is located.
- 2) An amendment to this Plan has no effect unless adopted by both municipalities by bylaw in accordance with the Municipal Government Act, R.S.A., c M-26, as amended.

Intermunicipal Cooperation

- 1) The Village and County agree to create a recommending body known as the Intermunicipal Committee (hereinafter referred to as the Committee).
- 2) The Committee will meet on an as required basis and will develop recommendations to the Village and County Councils on all matters of strategic direction and cooperation affecting residents, except matters where other current operating structures and mechanisms are operating successfully. The topics to be discussed will include:
 - a) Long-term strategic growth plans for the Municipalities as may be reflected in the Intermunicipal Development Plan, Municipal Development Plans, Area Structure Plans and other strategic studies.

- b) Intermunicipal and regional transportation issues including the Transportation and Utility Corridors and truck routes.
 - c) Prompt circulation of major land use, subdivision and development proposals in either municipality which may impact the other municipality; and
 - d) The discussion of intermunicipal or multi-jurisdictional issues in lieu of a regional planning system.
- 3) The Committee shall consist of two members, being one Councillor from each Municipality.
 - 4) The Chief Administrative Officers, or designate(s), will be advisory staff to the Committee, responsible to develop agendas and recommendations on all matters, and for forwarding all recommendations from the Committee to their respective Councils.

Plan Review

- 1) Annually, the County Development Officer and Village CAO and the Intermunicipal Planning Committee shall determine the advisability of any amendments to the Plan. If an amendment is deemed necessary by both municipalities then the results of the review shall be presented to both Councils; either jointly or separately; within one month of the anniversary of the adoption of this Plan. The Councils shall determine if any amendments are to be proceeded with and direct municipal administration to commence with a public plan amendment process. If both Councils do not agree that a particular amendment shall proceed then neither municipality shall proceed with that amendment.
- 2) Once every five years, commencing no later than 2023, the IDP will be formally reviewed by the Committee in conjunction with the Intermunicipal Collaboration Framework in order to confirm or recommend amendment of any particular policy contained herein. The Committee will prepare recommendations for consideration by the municipal councils.

O. ANNEXATION

- 1) The County recognizes and agrees that the Village will need additional land to grow and will support future annexations that will provide for 20 years of projected growth within the boundaries of the Village.
- 2) The annexation process may be initiated by the Village through the preparation of a Growth Study and in accordance with the Municipal Government Act.
- 3) In contemplating future annexations, land should remain in whichever municipality is best able to provide services to it and its owners. As a general rule, farm land should be in the County, and land which is subdivided to urban densities, or which requires municipal water and/or sewer, should be in the Village.
- 4) The Village and County will endeavour to reach an intermunicipal agreement on the annexation prior to submitting the annexation to the Municipal Government Board.

P. DISPUTE RESOLUTION

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

Dispute Resolution Process

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

Stage 2 Intermunicipal Committee Review – The Committee will convene to consider and attempt to resolve the dispute. In the event that a resolution is not achieved by the 30th day following the

first meeting of the Intermunicipal Committee, either municipality may refer the dispute to mediation.

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

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

Q. CORRESPONDENCE

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

a. In the case of the Flagstaff County to:

**Flagstaff County
c/o Chief Administrative Officer
12435 TWP Road 442
P.O. Box 358
Sedgewick, AB T0B 4C0**


b. In the case of the Village of Heisler to:

**Village of Heisler
c/o Chief Administrative Officer
128 Main Street, Box 60
Heisler, AB T0B 2A0**

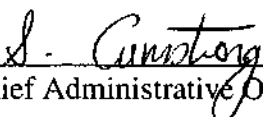
2) In addition to Section Q(1), notices may be sent by electronic mail to the Chief Administrative Officer.

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

FLAGSTAFF COUNTY

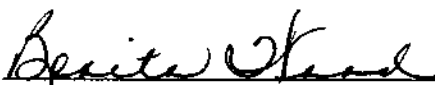


Reeve

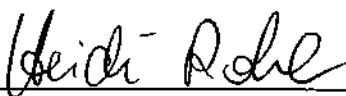


Chief Administrative Officer

VILLAGE OF HEISLER



Mayor

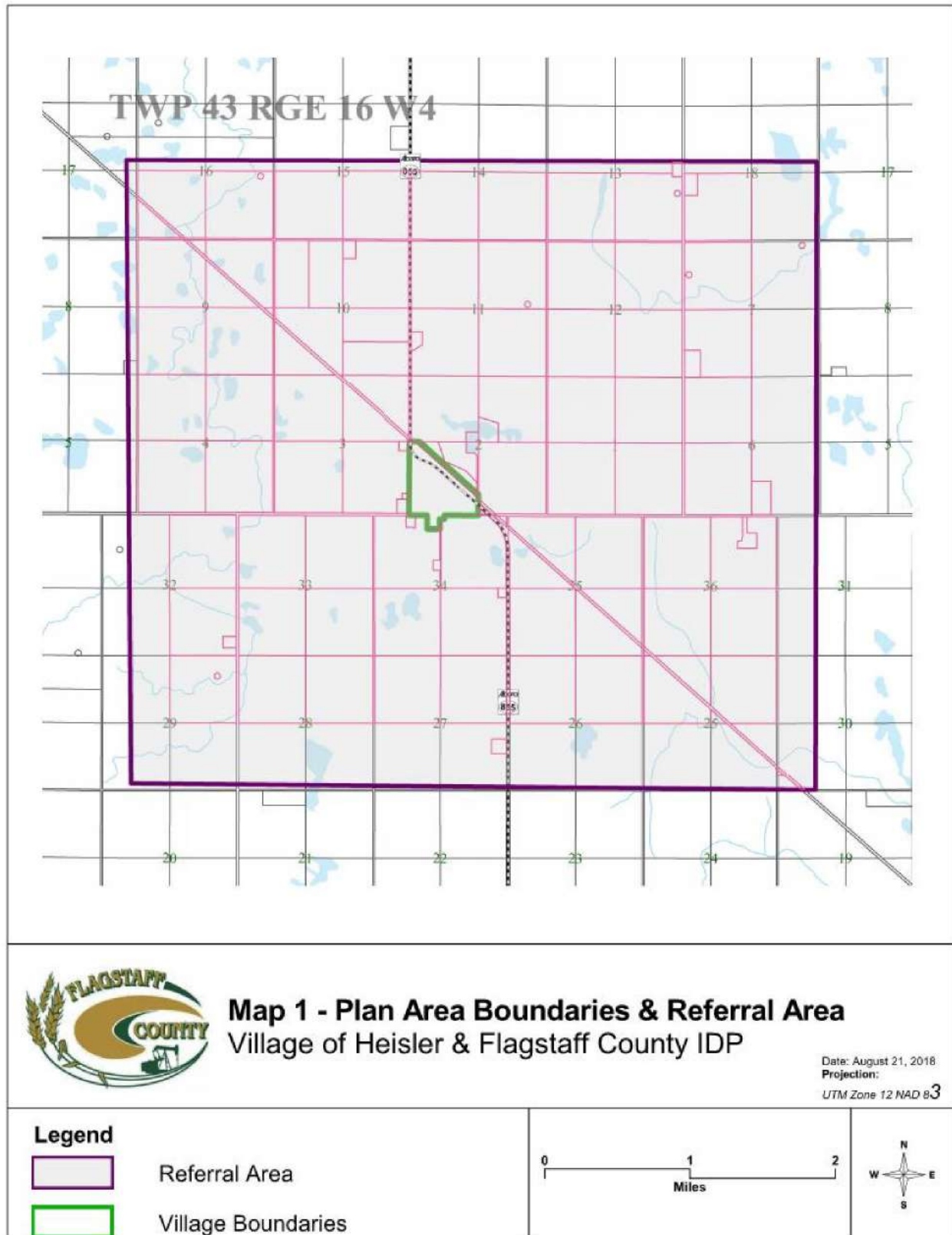


Chief Administrative Officer

R. MAPS

Map 1: Plan Area Boundaries & Referral Area

Map 2: Future Land Use Concept





Map 2 - Future Land Use Concept

Village of Heisler & Flagstaff County IDP

Date: August 21, 2018
 Projection:
 UTM Zone 12 NAD 83

Legend

- Village Boundaries
- AGRICULTURE
- Referral Area

0 1 2
 Miles

