

## **BY-LAW NUMBER 2019/49**

BY-LAW NO. 2019/49 is a bylaw of the County of Wetaskiwin No. 10, in the Province of Alberta, for the purpose of adopting the Clearwater County/County of Wetaskiwin No. 10 Intermunicipal Development Plan.

WHEREAS Section 631(1) of the *Municipal Government Act*, being Chapter M-26 of the Statutes of Alberta, as amended, authorizes two or more Councils to each pass a By-law to adopt an Intermunicipal Development Plan;

AND WHEREAS Clearwater County and the County of Wetaskiwin No. 10 desire to enter into an Intermunicipal Development Plan;

AND WHEREAS, notice of the proposed By-law and Public Hearing was given pursuant to Section 606 of the *Municipal Government Act*;

AND WHEREAS, a Public Hearing regarding the proposed By-law was held on December 5, 2019 in the Council Chambers at the County of Wetaskiwin No. 10 Office;

NOW THEREFORE, the Municipal Council of the County of Wetaskiwin No. 10, duly assembled, hereby enacts as follows:

- That the Clearwater County/County of Wetaskiwin No. 10 Intermunicipal Development Plan, as attached and forming part of this By-law, be adopted.

This By-law shall become effective on the date of third and final reading.

READ: A First time this 8<sup>th</sup> day of November, A.D., 2019.

READ: A Second time this 5<sup>th</sup> day of December, A.D., 2019.

READ: A Third time and finally passed this 5<sup>th</sup> day of December, A.D., 2019.

Original Signed

Reeve

Original Signed

Chief Administrative Officer



CLEARWATER COUNTY / COUNTY OF WETASKIWIN  
NO.10  
INTERMUNICIPAL DEVELOPMENT PLAN

Clearwater County Bylaw No. 1074/19  
County of Wetaskiwin No. 10 Bylaw 2019/49

## Table of Contents

A. INTRODUCTION.....	2
B. MUNICIPAL PROFILES .....	2
C. LEGISLATIVE REQUIREMENTS .....	3
D. PLAN AREA .....	3
E. GOALS .....	3
F. EXISTING CHARACTERISTICS OF THE PLAN AREA .....	5
G. LAND USE POLICIES.....	7
H. RESOURCE EXTRACTION .....	10
I. INDUSTRY AND ENERGY DEVELOPMENT .....	10
J. ENVIRONMENTAL MATTERS.....	12
K. MUNICIPAL INFRASTRUCTURE .....	14
L. TRANSPORTATION SYSTEMS .....	14
M. UTILITY CORRIDORS .....	16
N. PLAN ADMINISTRATION AND IMPLEMENTATION .....	16
O. CIRCULATION AND REFERRAL PROCESS .....	17
P. DISPUTE/CONFLICT RESOLUTION .....	18
Q. CORRESPONDENCE .....	19

## A. INTRODUCTION

- 1) In accordance with the *Municipal Government Act* (“MGA”) Clearwater County and County of Wetaskiwin No. 10 (hereinafter referred to as “Both Counties” or “the Counties”) have agreed to undertake the process for preparing and adopting an Intermunicipal Development Plan (IDP).
- 2) Both Counties recognize that all municipalities are equals and have the right to grow and develop.

## B. MUNICIPAL PROFILES

### Clearwater County

Clearwater County covers an area of approximately 1,869,165 hectares (4,518,807 acres), with a population of 11,947 (Federal Census, 2016). The County surrounds two urban municipalities, three Indian Reserves, contains five hamlets, one summer villages, and is bordered by eight rural municipalities and two National Parks. The economy of Clearwater County has traditionally centered on oil and gas, mining, agriculture and forestry. Clearwater County has many recreational opportunities with close access to the Rocky Mountains, as well as many lakes and rivers.



### County of Wetaskiwin No. 10

The County of Wetaskiwin No. 10 covers an area of approximately 337,900 hectares (835,000 acres), with a population of 11,181 (Federal Census, 2016). The County surrounds two urban municipalities, seven Summer Villages, contains eight hamlets, and borders five rural municipalities and four Indian Reserves. The economy of the County of Wetaskiwin No. 10 is primarily based on agriculture, with some oil and gas developments. With both Pigeon Lake and Buck Lake located in the County of Wetaskiwin No. 10, there has been considerable recreation development within the County and the Summer Villages bordering on these lakes.



## **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.
- 2) All provincial and federal policies and regulations in effect shall apply and shall prevail over the policies contained in this Plan.

## **D. PLAN AREA**

The Intermunicipal Development Plan Area is defined as one (1) mile (1.6 km) on each side of the common boundary as shown on accompanying map. The policies of this plan are limited to the IDP Area except when specific policies are purposefully worded to cover a wider area or address a topic that extends beyond the IDP Area.

A high level overview of the area near the common boundary between the two municipalities was undertaken to determine the desired extent of the IDP Area. For the most part, the area consists of lands in agricultural use or tree covered lands interspersed with smaller water bodies and water courses. Constraints to development are highly localized. Both Counties have applied “Agricultural” designations under their respective Land Use Bylaws to the vast majority of the lands including Crown Land.

Through their respective municipal development plans and planning practices, both municipalities evaluate future land use changes and potential subdivision and/or development applications by reviewing area structure plans or outline plans and/or Land Use Bylaw amendment. These processes afford each municipality a more accurate assessment of the local site conditions closer to the time that subdivision and/or development are being proposed. It ensures that more current and accurate information is used in these decision making processes. For these reasons, the IDP has limited mapping of the area for the purpose of identifying the lands that make up the IDP Area.

## **E. GOALS**

- 1) The following are goals that have been identified by Clearwater County and the County of Wetaskiwin No. 10 for the Plan Area. Some of the goals are of an on-going nature while some may be seen as more time specific.

- a) Development of land use policies to protect prime agricultural lands from premature re-designation, subdivision and non-farm development.
- b) Effective coordination of transportation systems and protection of required land for future road network developments.
- c) Development of land use policies to ensure that future sites for recreation areas are considered.
- 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) Identification and protection of physical features and environmentally sensitive areas.
- f) Effective referral mechanisms and dispute resolution mechanisms.
- g) Effective plan administration and implementation.



## **F. EXISTING CHARACTERISTICS OF THE PLAN AREA**

### **1) Key existing characteristics of the Plan Area include:**

#### **a) Agricultural Development:**

- i) There is a mix of agricultural operations including grazing and dry land farming.
- ii) The majority of the land within the Plan Area is designated for agricultural use.
- iii) Medicine Lake Grazing Reserve also crosses through the Plan Area.

#### **b) Residential Development:**

- i) The majority of residential development within the Plan Area is comprised of residential farm housing within the Agricultural District serviced by individual septic and water wells.
- ii) There are a few residential acreage developments scattered throughout the plan area. These residential acreages are serviced by individual septic and water wells.

#### **c) Transportation Infrastructure:**

- i) One Provincial Highway, Highway 22, provides the main connector between the two Counties, with the majority of the traffic between the two Counties travelling on this highway. There are numerous township roads that connect the two Counties and several range roads along the boundary of the Counties some of these roads do not provide through accesses.

#### **d) Natural Region:**

- i) The Plan Area is primarily located within the Foothills Natural Region with some lands located in the Boreal Natural Region.

#### **e) Watersheds:**

- i) The Plan Area is primarily located within the North Saskatchewan Watershed Modeste Sub-basin, and the South West portion of the Plan Area is located within the Red Deer Watershed Medicine Sub-basin.

#### **f) Crown Lands**

Both Clearwater County and County of Wetaskiwin No. 10 recognize that a significant portion of the lands located within the plan area are Crown Lands.

# Map 1 - Plan Area

## Legend

-  Plan Area
-  Neighbouring County Boundary
-  Alberta Township Linework
-  Highway



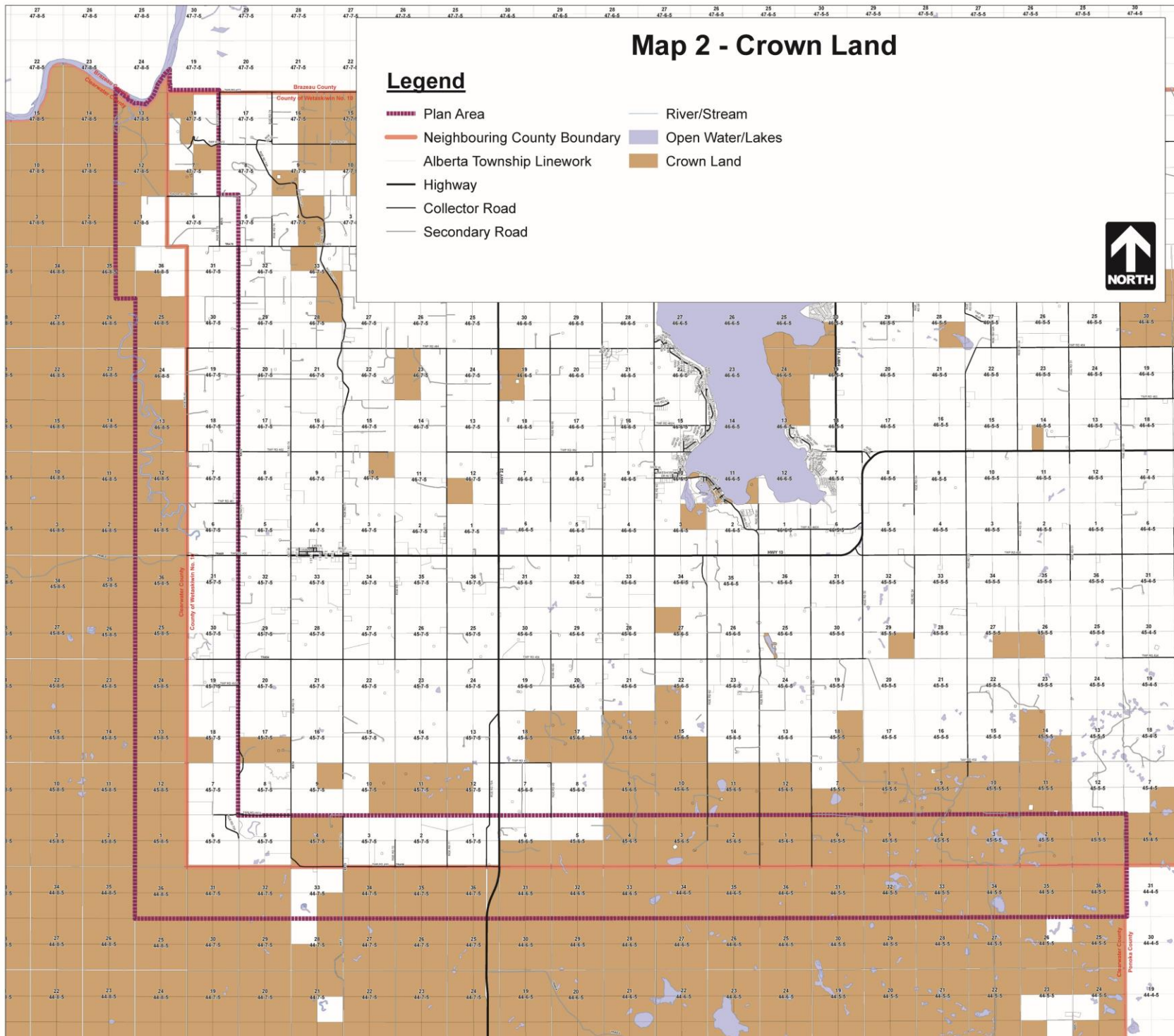
Photo Along the South Half Clearwater County Flood - June 7, 2017  
Photo Along the West Portion of Clearwater County Flood 2014  
Photo Within County of Wetaskiwin Flood 2017



## **G. LAND USE POLICIES**

- 1) Both Counties shall strive to engage in effective dialogue when considering land use in the Plan Area, while maintaining complete jurisdiction on lands within their own boundaries.
- 2) Unless otherwise provided in this Plan, the provisions of each County's respective Municipal Development Plan (MDP) regarding land use and development in the Plan Area shall apply.
- 3) All subdivision applications, Land Use Bylaw amendments as well as all new relevant planning documents within the Plan Area will be referred to the other County for comment. All development permit applications approved by either County's Development Authority shall be in accordance with the provisions of this Plan.
- 4) All new or expanding Confined Feeding Operations within the Plan Area requiring registrations or approvals and manure storage facilities requiring authorization under the Agricultural Operations Practices Act shall be referred to the other County for comment.
- 5) Both Counties 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.
- 6) Both Counties shall strive, to the best of their ability and knowledge, to refer all notices of government projects within the Plan Area to the adjacent County.
- 7) Within the Plan Area Both Counties are encouraged to share with the other County the results of all publicly available technical analysis, submitted as part of development applications, where there is potential for impacts on land and bodies of water within the adjacent County.
- 8) Both Counties shall support watershed management and protection best practices.
- 9) Both Counties agree that development of lands that are within the Plan Area may contain a historically significant site. Should an area be deemed to have some historical significance, the developer may be required to conduct a Historical Resource Impact Assessment (HRIA) and should contact the appropriate Provincial Government Department regarding the development.
- 10) The following land use provisions will apply to all new agricultural development within Plan Area:
  - a) Both Counties agree that agriculture and grazing will continue to be the primary use of land in the Plan Area, and non-agricultural uses should be considered only in such areas where they will not negatively impact agriculture and grazing.

- b) Both Counties will work cooperatively to encourage good neighbour farming practices, such as dust, weed and insect control adjacent to developed areas, through best management practices and Alberta Agricultural guidelines.
  - c) If disputes or complaints in either County arise between ratepayers and agricultural operators, the County receiving the complaint shall strive to direct the affected parties to the appropriate agency, government department or County for consultation or resolution wherever necessary.
- 11) Both Clearwater County and County of Wetaskiwin No. 10 recognize the potential demand for future commercial lands within the IDP area adjacent to Highway 22. No lands have been identified for future commercial development within the IDP area. Any future proposal shall be evaluated by the opposite municipality within the context of a planning document.
- 12) In considering subdivision and development permit applications in the Plan Area, the respective County Subdivision and Development Authorities will ensure the proposed project is compatible with the adjacent uses.
- 13) All appeals of developments and subdivisions within the Plan Area will be considered by the governing County's Subdivision and Development Appeal Board, excepting those where there is a Provincial requirement for the appeal to be referred to the Municipal Government Board.



## **H. RESOURCE EXTRACTION**

- 1) Both Counties recognize the importance of resource extraction to the local economy and to the maintenance of transportation routes and other infrastructure.
- 2) The Counties shall consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution when evaluating applications for new or expanded gravel pits, or other extractive activities, within the Plan Area where they maintain jurisdiction.
- 3) Within the Plan Area, each County will notify the adjacent County of any resource development proposal and provide an opportunity of comment. In the event the resource development results in access being required from a road under the control or management of the other County, the County having control or management of the road must give its approval for the use of a road, in writing, prior to the application being considered as complete by the other County.
- 4) Either County may require an agreement regarding the construction, repair, and maintenance of any municipal roads, which may be impacted by resource development, when the development requires access to come from the other County's road.
- 5) If either Clearwater County or the County of Wetaskiwin No. 10 is in receipt of a notice for new or expanded Alberta Transportation gravel pit within the Plan Area, they shall forward a copy of the notice to the other County.

## **I. INDUSTRY AND ENERGY DEVELOPMENT**

- 1) Both Counties recognize the important role that industry and energy development play in supporting the local and regional economy.
- 2) Lands under consideration for industrial development that do not currently allow for a proposed use, shall be required to redesignate to a suitable land use district.
- 3) Both Clearwater County and County of Wetaskiwin No. 10 recognize that existing energy infrastructure may pose constraints for future development within the plan area, particularly in the north portion of the plan area.
  - a) Both Counties shall cooperate with industry to mitigate any existing constraints.
- 4) The Counties will encourage the location of Renewable Energy developments within the Plan Area:
  - a) where compatible with existing land uses,
  - b) in consideration of comments from the adjacent County.
- 5) Logging on Crown land shall follow the Provincial approval process. Logging on municipal land or privately-owned land in the IDP area shall follow the approval process of the County having jurisdiction. If the

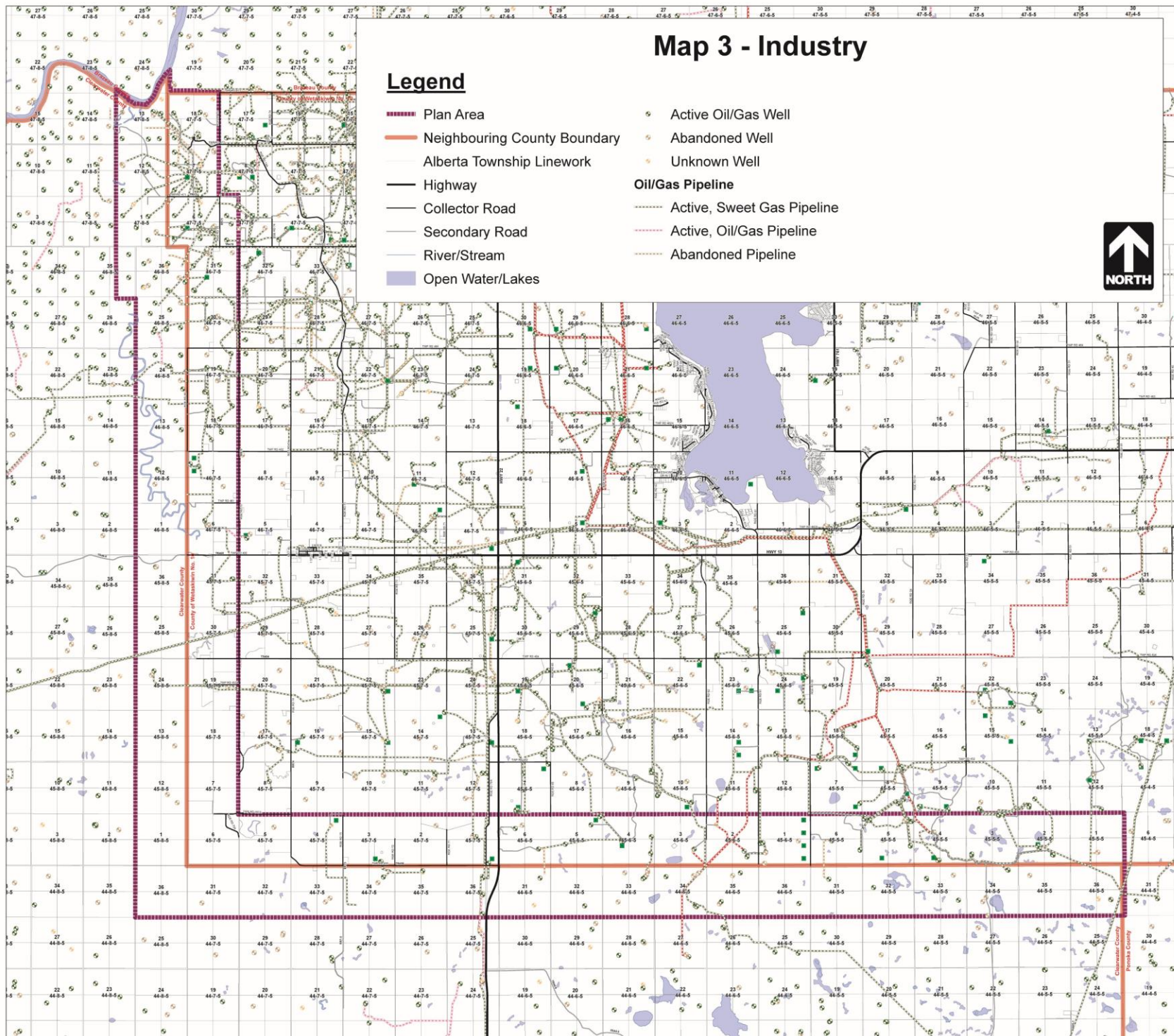


proposed haul route includes roads within the jurisdiction of the responding County, the application shall be circulated to the responding County for comment and landowners adjacent to the haul route. The responding County's Administration may support the route if the impact is acceptable and subject to the applicable Agreement(s) for the upgrade or maintenance of the road. If the impact is unacceptable to the responding County's Administration, the route will not be supported, and the applicant will have to propose an alternative route.

- 6) Crown land as described in Section 618 of the MGA is exempt from Part 17 Planning and Development. Each County shall encourage the Crown to apply the host County's statutory plan and Land Use Bylaw requirements to the development of leased Crown land.

## **J. ENVIRONMENTAL MATTERS**

- 1) Both Counties will promote environmental stewardship and the health of the regional ecosystem, watersheds, and environmentally significant areas in the Plan Area.
- 2) Environmentally Significant Areas:  
Lands adjacent to the North Saskatchewan River have been identified as environmentally significant areas.
  - a) Rose Creek, Horseshoe Creek and Washout Creek flow through the Plan Area.
  - b) Both Counties recognize that Horseshoe Creek Natural Area is not in the Plan Area but is directly adjacent to the Plan Area.
- 3) Land use and development on hazard lands such as flood prone or steep slopes is generally discouraged, but where it is considered by the host County, it shall be carefully regulated by existing MDP & LUB policy such that there is no negative effect on the adjacent County.
- 4) Landowners and residents shall be encouraged to follow water conservation practices, as established by their respective County.
- 5) Both Counties will endeavour to ensure all sources of potable water supplies within their respective jurisdictions are protected and meet provincial guidelines for water quality.
- 6) Environmental protection measures shall be implemented as provided for by the MDP policies and Land Use Bylaw of the municipality having jurisdiction over the subject land.
- 7) Both Counties 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.
- 8) Recreation Development:  
Both Clearwater County and County of Wetaskiwin No. 10 recognize the potential for demand for future recreational zoned lands within the IDP area.



## **K. MUNICIPAL INFRASTRUCTURE**

- 1) Both Counties agree to work together to support the development of municipal infrastructure required to service developments within the Plan Area.
- 2) The Counties will make the most efficient use of infrastructure investments by prioritizing growth around existing infrastructure and optimizing use of new and planned infrastructure in the Plan Area.
- 3) Prior to any joint municipal infrastructure developments proceeding, the Counties will enter into a cost sharing agreement to share the costs of the development based on the prorated benefit to each County.

## **L. TRANSPORTATION SYSTEMS**

- 1) Both Counties will work together to ensure a safe and efficient transportation network is developed and maintained to service the farm operations, residents and businesses within the Plan Area.
- 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) Each County shall be notified of any subdivision or development proposal in the other County that will result in access being required from a road under its control or management.

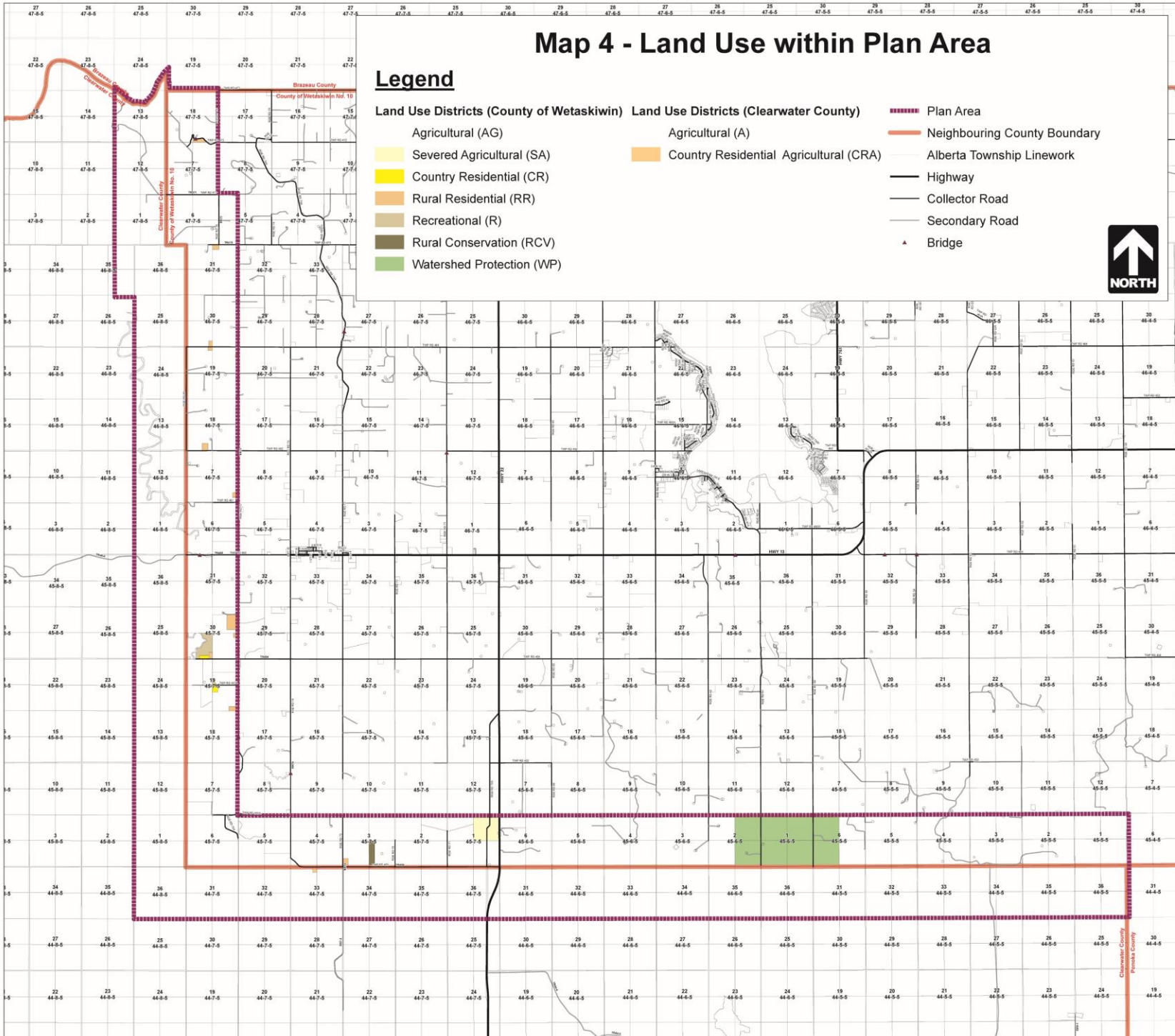


# Map 4 - Land Use within Plan Area

## Legend

- |  |   |
|--|---|
| <b>Land Use Districts (County of Wetaskiwin)</b> | <b>Land Use Districts (Clearwater County)</b> |
| Agricultural (AG)                                | Agricultural (A)                              |
| Severed Agricultural (SA)                        | Country Residential Agricultural (CRA)        |
| Country Residential (CR)                         |   |
| Rural Residential (RR)                           |   |
| Recreational (R)                                 |   |
| Rural Conservation (RCV)                         |   |
| Watershed Protection (WP)                        |   |

- Plan Area
- Neighbouring County Boundary
- Alberta Township Linework
- Highway
- Collector Road
- Secondary Road
- Bridge



## **M. UTILITY CORRIDORS**

- 1) The continued demand for the location or telecommunications infrastructure and utility servicing has the potential to impact land use within municipalities; however, Both Counties are aware that the jurisdiction of utility approvals is outside of their direct control.
  - a) Where there is an application for a new, expanded or retrofitted telecommunications tower within the Plan Area, Both Counties shall notify the other County to seek their comments.
  - b) When providing a Letter of Concurrence for a new, expanded or retrofitted telecommunications tower, Both Counties shall request telecommunications companies to co-locate within the Plan Area where technically feasible.
  - c) When providing comments to provincial and federal departments regarding utility development within the Plan Area, Both Counties shall request that consideration be given to the establishment of utility corridors with multiple users.
- 2) Both Counties also acknowledge that the development of the oil and gas industry has played an integral part in the development of the region. Both Counties will work with the oil and gas industry to ensure that the orderly development of the Plan Area is not unduly restricted by the development of oil and gas infrastructure, including pipelines.

## **N. PLAN ADMINISTRATION AND IMPLEMENTATION**

- 1) Adoption Process
  - a) This IDP and any amendments to it shall be adopted by bylaw by Both Counties in accordance with the MGA.
  - b) Any amendments to the Municipal Development Plans and Land Use Bylaws of Both Counties required to implement the policies of the Intermunicipal Development Plan should occur as soon as practicable following adoption of this IDP or any amendment to the IDP that establishes or amends policies within this IDP.
- 2) Approving Authorities
  - a) In the hierarchy of statutory plans, the Intermunicipal Development Plan shall take precedence over the other municipal statutory plans.
  - b) Each County shall be responsible for the administration and decisions on all statutory plans, land use bylaws, and amendments thereto within their boundaries.
- 3) Plan Amendments
  - a) An amendment to this Plan may be proposed by either County. An amendment to the Plan proposed by a landowner shall be made to the County in which the subject land is located.
  - b) An amendment to this Plan has no effect unless adopted by Both Counties by bylaw in accordance with the MGA.

- 4) Intermunicipal Cooperation
  - a) The Counties agree to create a recommending body known as the Intermunicipal Committee (hereinafter referred to as the Committee).
  - b) The Committee will meet on an as required basis and will develop recommendations to the County Councils on all matters of strategic direction and cooperation affecting County residents, except matters where other current operating structures and mechanisms are operating successfully. The topics to be discussed will include:
    - i) Long-term strategic growth plans for the Counties as may be reflected in the Intermunicipal Development Plan, Municipal Development Plans, Area Structure Plans and other strategic studies.
    - ii) Intermunicipal and regional transportation issues including the Transportation and Utility Corridors, truck routes.
    - iii) Prompt circulation of major land use, subdivision and discretionary development proposals in either municipality which may impact the other municipality; and
    - iv) The discussion of intermunicipal or multi-jurisdictional issues in lieu of a regional planning system.
  - c) The Committee shall consist of four members, being two Councillors from each County.
  - d) The Chief Administrative Officers and/or designated staff will be advisory staff to the Committee, responsible to develop agendas and recommendations on all matters, and for forwarding all recommendations from the Committee to their respective Councils.
- 5) Plan Review
  - a) Once every four 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. CIRCULATION AND REFERRAL PROCESS**

- 1) Both Counties agree to refer the following planning proposals within the Plan Area:
  - a) Municipal Development Plans and Municipal Development Plan amendments (28 day response period).
  - b) All relevant planning documents such as; Area Structure Plans, Area Redevelopment Plans, Outline Plans, Concept Plans and amendments (21 day response period).
  - c) Land Use Redesignations (21 day response period).
  - d) Subdivisions (21 day response period).
  - e) Development permits for discretionary uses (21 day response period).
  - f) Road access requests/notices (21 day response period).

## **P. DISPUTE/CONFLICT RESOLUTION**

- 1) Both Counties agree that the following process shall be used to resolve or attempt to resolve disputes between the Counties arising from the following:
  - a) Lack of agreement on proposed amendments to the IDP;
  - 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 IDP.
- 2) Lack of agreement pursuant to section Q(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 County.
- 3) A dispute shall be limited to the decisions on the matters listed in section Q(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 either County Council.
- 5) Identification of a dispute and the desire to go through the dispute resolution process may occur at any time regarding a dispute matter outlined in section Q(1)(c) and may only occur within 30 calendar days of a decision made pursuant to section Q(2). Once either County 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 the dispute resolution process is initiated the County 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 mediation does not resolve the dispute, the County may proceed to adopt the bylaw and in accordance with the *Municipal Government Act*, the other County will have the right to appeal to the Municipal Government Board.

### **Dispute/Conflict Resolution Process**

Stage 1 Administrative Review - The Chief Administrative Officers of Both Counties, or their designates, 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 a resolution is not achieved by the 30<sup>th</sup> day following the first meeting of the Chief Administrative Officer of Both Counties, or their designates, either County 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. Failing resolution, the dispute will then be referred to mediation. In the event a resolution is not achieved by the 30<sup>th</sup> day following the first meeting of the Intermunicipal Committee, either County may refer the dispute to the Mediation.

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

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

## **Q. CORRESPONDENCE**

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

a. In the case of Clearwater County to:

**Clearwater County  
c/o Chief Administrative Officer  
4340 - 47 Avenue,  
Box 550  
Rocky Mountain House, AB T4T 1A4**

b. In the case of the County of Wetaskiwin No. 10 to:

**County of Wetaskiwin No. 10  
c/o Chief Administrative Officer  
Box 6960  
Wetaskiwin, AB T9A 2G5**

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