

BY-LAW NUMBER 2019/45

BY-LAW NO. 2019/45 is a bylaw of the County of Wetaskiwin No. 10, in the Province of Alberta, for the purpose of adopting the Brazeau 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 Brazeau 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 January 9, 2020 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 Brazeau 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 8th day of November, A.D., 2019.

READ: A Second time this 9th day of January, A.D., 2020.

READ: A Third time and finally passed this 9th day of January, A.D., 2020.

Original Signed

Reeve

Original Signed

Chief Administrative Officer



**BRAZEAU COUNTY AND THE COUNTY OF WETASKIWIN
NO.10
INTERMUNICIPAL DEVELOPMENT PLAN**

Brazeau County Bylaw 1031-19
County of Wetaskiwin No. 10 Bylaw 2019/45

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	4
G. LAND USE POLICIES	6
H. RESOURCE EXTRACTION.....	9
I. INDUSTRY AND ENERGY DEVELOPMENT	9
J. ENVIRONMENTAL MATTERS	10
K. MUNICIPAL INFRASTRUCTURE.....	12
L. TRANSPORTATION SYSTEMS.....	12
M. UTILITY CORRIDORS	14
N. PLAN ADMINISTRATION AND IMPLEMENTATION	14
O. DISPUTE/CONFLICT RESOLUTION	15
P. CORRESPONDENCE	17

A. INTRODUCTION

- 1) In accordance with the *Municipal Government Act* ("MGA") Brazeau County and County of Wetaskiwin No. 10 (hereinafter referred to as "both Counties") have agreed to undertake the process of 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

Brazeau County

Brazeau County covers an area of approximately 308,131 hectares (761,408 acres), with a population of 7,771 (Federal Census, 2016). The County surrounds two urban municipalities, one Indian Reserve, contains six hamlets, and is bordered by five rural municipalities. The economy of Brazeau County has traditionally centered on forestry, agriculture, and oil and gas. Brazeau County is where industry and commerce join forces with outdoor recreation and western culture.



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 requirements 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”) is the land between an 800 metre (½ mile) boundary on either side of the intermunicipal border that separates the Counties as shown on Figure 1, Plan Boundaries.

E. GOALS

- 1) The following are goals that have been identified by both Counties for the Plan Area. Some goals will be on-going while other goals may be more time specific.
 - a) To establish in good faith a method for collaboration between both Counties on land use matters;
 - b) Develop land use policies to protect prime agricultural lands from premature re-designation, subdivision, and non-farming development.
 - c) Effective coordination of transportation systems and protection of required land for future road network developments.
 - d) Development of land use policies to ensure that future sites for recreation areas are considered.
 - e) 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.
 - f) Identify and protect environmental features including provincially identifying environmentally sensitive areas and open spaces.
 - g) To provide an effective process and procedure for dispute resolution, amendments and administration of the plan.

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) Buck Mountain Grazing Reserve, which is located in the County of Wetaskiwin No. 10, is within the Plan Area.

b) Residential Development:

- i) The majority of residential development within the Plan Area is comprised of residential farm housing located within Agricultural Districts and serviced by individual septic systems and water wells.

c) Recreation Development:

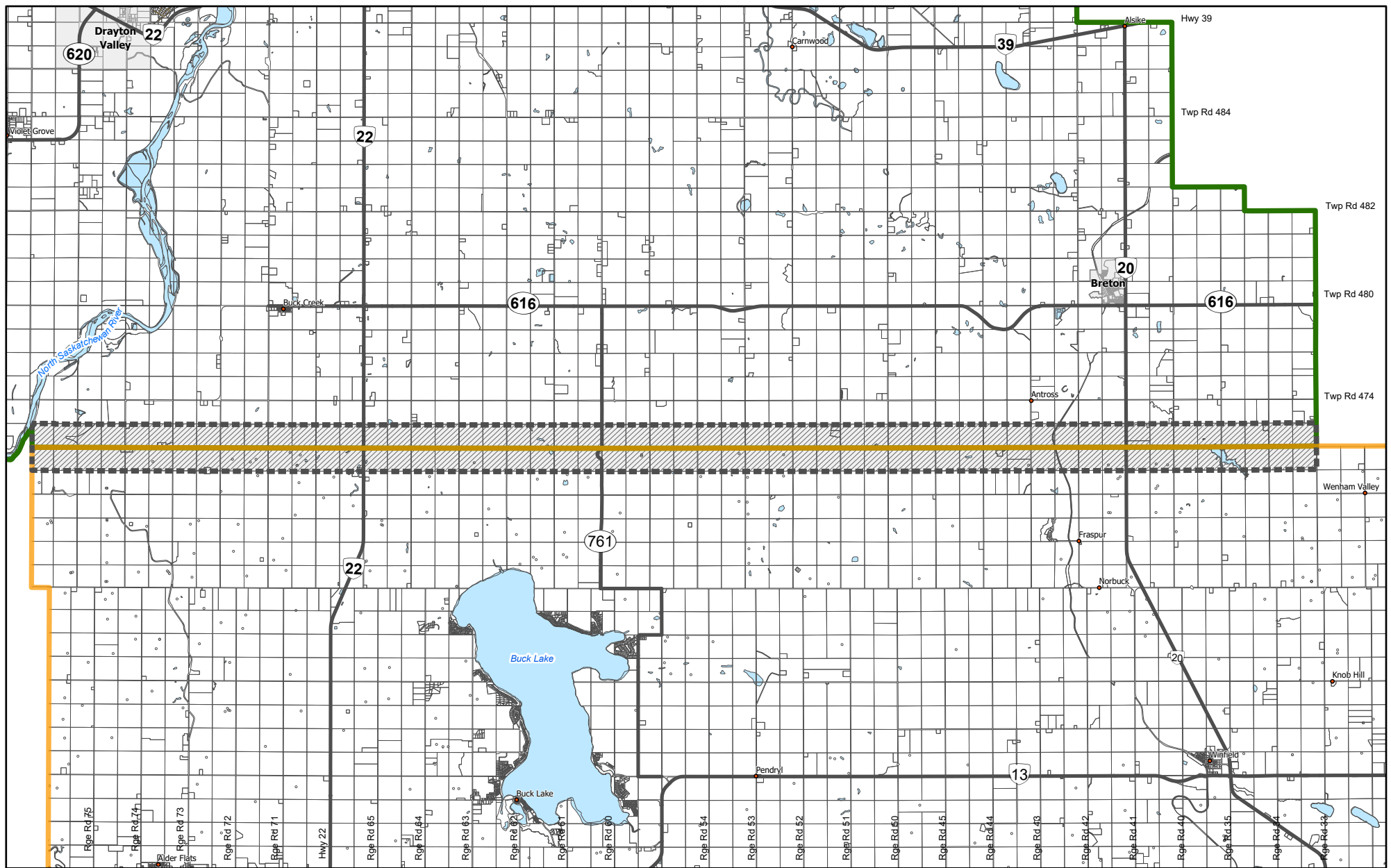
- i) A portion of the Blue Rapids Provincial Recreational Area is located within the Plan Area.
- ii) A quarter section of the Poplar Creek Natural Area is located within the Plan Area along the boundary between the Counties.

d) Transportation Infrastructure:




- i) There are three provincial highways, Highway 22, Highway 20 and Highway 761, which connect both Counties. The majority of traffic between Brazeau County and County of Wetaskiwin No. 10 travel on these highways. In addition, there are numerous range roads that connect both Counties. A township road is located along the boundary between the Counties.

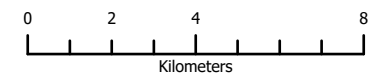
e) Watersheds:

- i) Both Counties are located within the North Saskatchewan Watershed.
- ii) The Poplar Creek Reservoir is located within the Plan Area.



**Brazeau County
County of Wetaskiwin No. 10
Intermunicipal Development Plan
(Figure 1: Plan Area)**

-  Plan Area (800 meters)
-  Brazeau County Boundary
-  County of Wetaskiwin No. 10 Boundary



PRODUCED BY BRAZEAU COUNTY
December 2019
This map is intended for advisory purposes only. It is based on data deemed reliable but Brazeau County is not responsible for errors or omissions.
Projection: NAD 83 UTM 11N GCS80



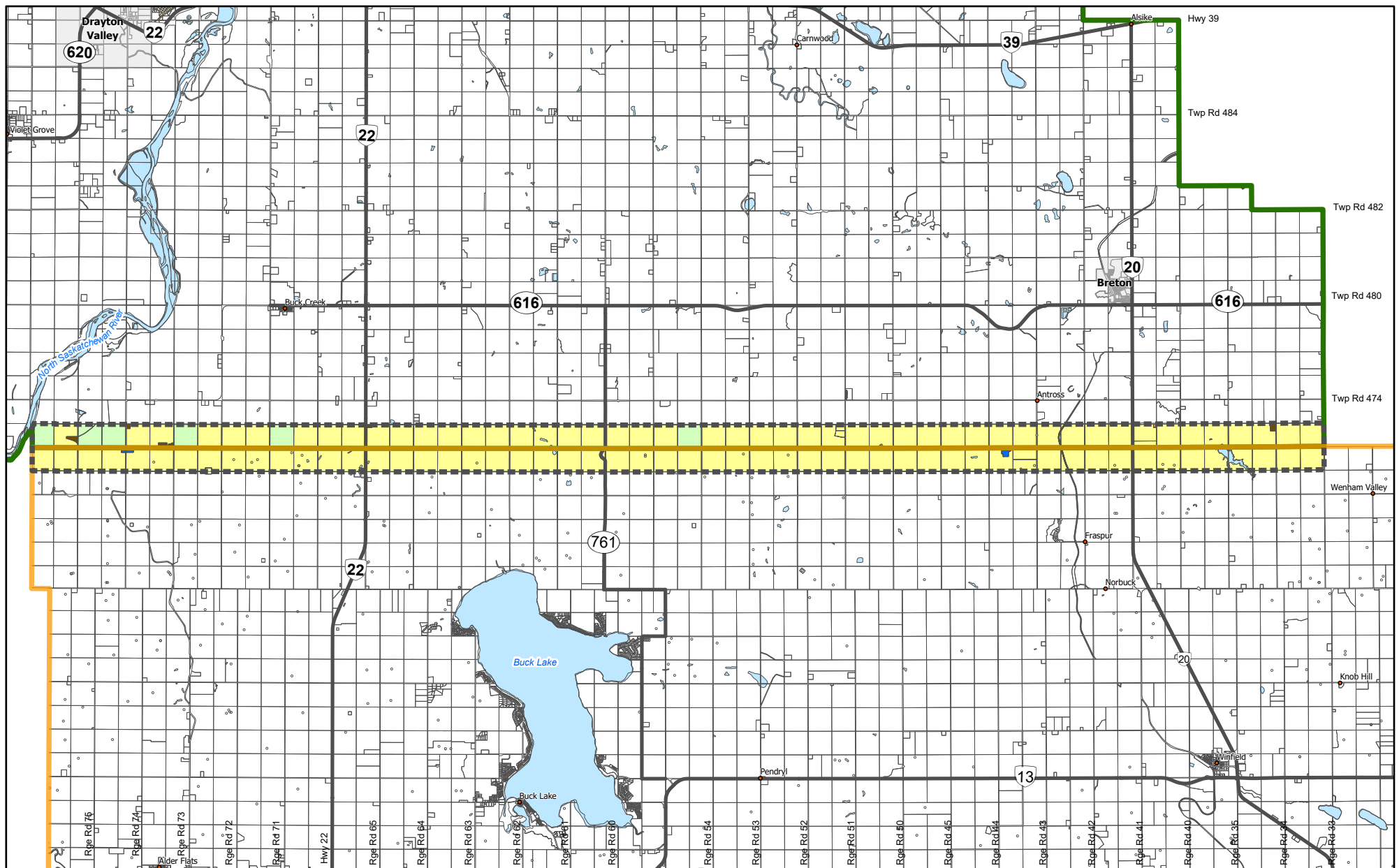
G. LAND USE POLICIES

- 1) Both Counties will engage in effective dialogue in good faith when considering land use matters within the Plan Area. Any disputes shall be addressed through Section O of this plan. Each County will maintain complete jurisdiction and autonomy on lands within their own boundaries.
- 2) Both Counties shall send the following application(s) to the adjacent municipality for review:
 - a) a proposed Municipal Development Plan or amendments thereto (21 calendar days response period);
 - b) a proposed Land Use Bylaw or amendments thereto (21 calendar days response period);
 - c) a proposed Area Structure Plan or amendments thereto (21 calendar days response period);
 - d) a subdivision application (18 calendar days response period); or
 - e) a development application for a discretionary use (14 calendar days response period).







Comments shall be sent back to the referring County within the allotted time above. If nothing is received within the stated timeframe, the referring municipality will consider there to be no objections, comments or concerns.

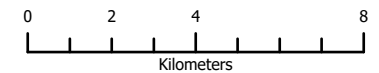
- 3) All development permit applications approved by either County's Development Authority shall be in accordance with the provisions of this Plan.
- 4) All new or expanding Confined Feeding Operations within the Plan Area requiring registrations or approvals and manure storage facilities requiring authorization under the *Agricultural Operations Practices Act* shall be referred to the adjacent County for review and 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 the results of all publicly available technical analysis, submitted as part of a development application, where there is a potential impact on land and/or bodies of water within the adjacent County.
- 8) Both Counties shall support watershed management and protection best practices.

- 9) Both Counties agree that land within the Plan Area may contain a historically significant site. Should an area be deemed to have historical significance, the person developing the land may be required to conduct a Historical Resource Impact Assessment (HRIA). The developer should contact the appropriate provincial government department regarding historical clearance requirements.
- 10) The following land use provisions will apply to all new agricultural development within Plan Area:
- a) Agricultural use has been identified as being the current and future primary land use within the Plan Area. Both Counties, where possible, should minimize the conversion of high capability agricultural lands to non-agricultural uses.
 - b) New residential development within agricultural areas should minimize impacts on agricultural lands, maintaining the rural character of the County of Wetaskiwin No. 10 and Brazeau County, whenever possible.
 - c) 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 guidelines.
 - d) If disputes or complaints 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) In considering subdivision and development permit applications in the Plan Area, the Subdivision and Development Authority of the respective County will ensure the proposed project is compatible with adjacent land uses.
- 12) All appeals of developments and subdivisions within the Plan Area will be considered by the Subdivision and Development Appeal Board of the governing County, excepting those where there is a provincial requirement for the appeal to be referred to the Municipal Government Board (MGB).
- 13) Unless otherwise stated 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.



Brazeau County
County of Wetaskiwin No. 10
Intermunicipal Development Plan
(Figure 2: Land Use within Plan Area)

- | | |
|---|--|
|  Outside of Plan Area |  Crown Lands |
|  Agricultural |  Natural Resource Extraction & Processing |
|  Agricultural Holdings |  Rural Residential |
|  Country Residential |  Plan Area |



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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) Both Counties shall consider the effects of visual intrusion, dust, noise, traffic, and air and water pollution when evaluating applications for new or expanding gravel pits, or other extractive activities, within the Plan Area.
- 3) Within the Plan Area, each County will notify the adjacent County of any resource development proposal through the referral process and provide an opportunity to review and comment.
- 4) Any application which proposes the use or expansion of municipal road infrastructure for the purposes of hauling natural resources shall include written documentation indicating that the roadway has been, or will be, constructed to the engineering design standards of the governing municipality. Signed copies of the road hauling agreements shall be provided to the adjacent municipality (where applicable).
- 5) If either Brazeau County or the County of Wetaskiwin No. 10 are in receipt of a notice for a new or expanding Alberta Transportation gravel pit within the Plan Area, they shall provide a copy of the notice to the other County.

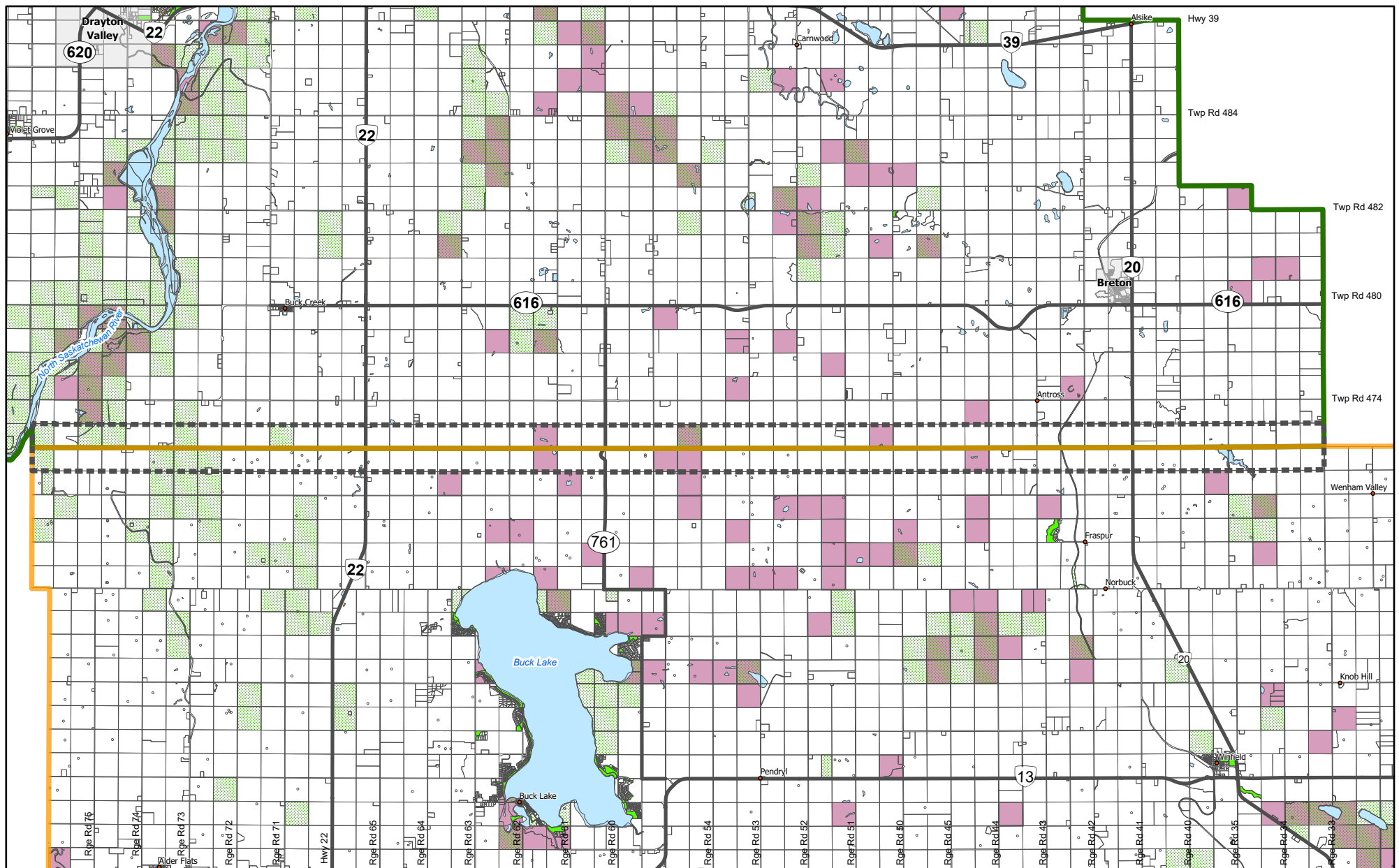
I. INDUSTRY AND ENERGY DEVELOPMENT

- 1) Both Counties recognize the important role that industry and energy development play in supporting the local and regional economy.
- 2) The consideration of industrial development on lands that do not currently allow that type of development, will be discussed through the re-designation process.
- 3) The municipalities are aware that the jurisdiction of some renewable energy approvals are outside of their direct control. However, both Counties will encourage the location of renewable energy developments within the Plan Area:
 - a) where compatible with existing land uses, and
 - b) in consideration of comments from the adjacent County, or
 - c) It has been approved by the Alberta Utilities Commission.

J. ENVIRONMENTAL MATTERS

- 1) The Counties will promote environmental stewardship and the health of the regional ecosystem, watersheds, wetlands, and provincially environmentally significant areas (ESAs)* within the Plan Area.
- 2) Through respective Land Use Bylaws, both municipalities shall enforce appropriate development setbacks from waterbodies, watercourses, and hazardous landscapes. The governing municipality may require the applicant to supply recommendations, prepared by a qualified professional, regarding development setbacks and/or other required mitigation measures.
- 3) Land use and development in flood prone areas is generally discouraged, but where it is considered by the host County, it shall be carefully regulated 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) Current environmental and municipal reserve, Crown land and provincially identified ESAs are illustrated on Figure 3. Both Counties shall follow provincial regulations as it pertains to the dedication, classification and use of environmental reserve, municipal reserve, and conservation reserve in an effort to maintain the integrity of the systems identified in Figure 3.

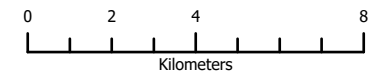
*Note: **Environmentally Significant Areas** means an area of land that generally has an important role in the long-term maintenance of: (1) biological diversity, (2) physical landscape features, (3) ecological services and function, and/or (4) other natural processes. A quarter section must have an overall ESA value of greater than 0.189 to be designated as an “Environmentally Significant Area” in the province of Alberta.



**Brazeau County
County of Wetaskiwin No. 10
Intermunicipal Development Plan**

(Figure 3: Environmental Considerations/ Current Reserve Area)

- Environmental & Municipal Reserves
- Crown Land
- Environmentally Significant Areas
- Plan Area



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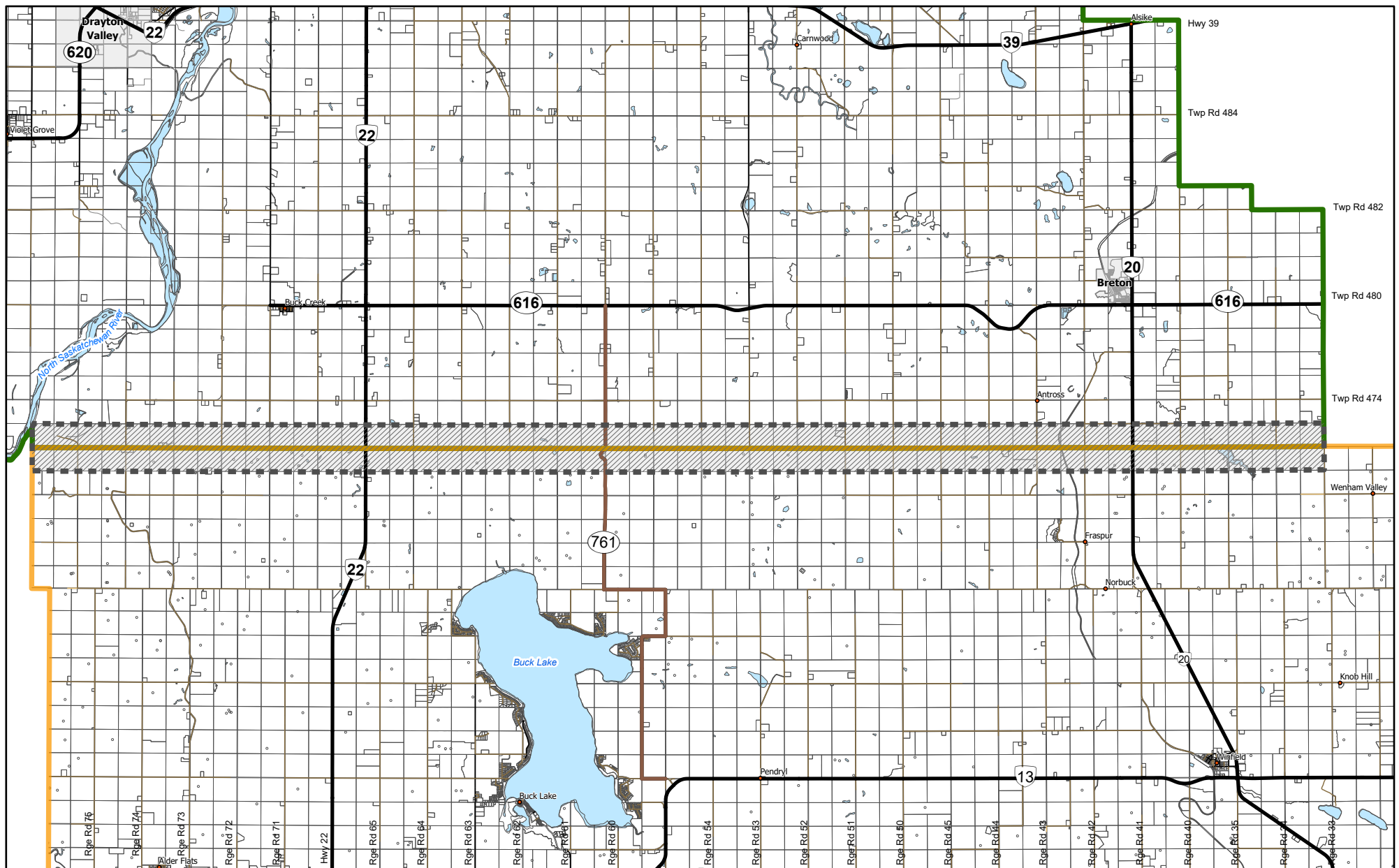


K. MUNICIPAL INFRASTRUCTURE

- 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, both 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

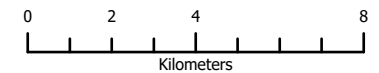
- 1) Both Counties will work together to ensure a safe and efficient transportation network is developed and maintained to service the farm operations, residents and businesses within the Plan Area.
- 2) Any proposed changes or expansion to the transportation network within the Plan Area shall be referred to the adjacent municipality and Alberta Transportation (if required) for review and comment prior to any changes (see Figure 4 Transportation).
- 3) All new and expanding development(s) within the Plan Area shall ensure that long-term transportation corridors are secured in order to maintain safe, coordinated, and efficient road networks.
- 4) 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.
- 5) Developers shall construct all roads and linkages to current County of Wetaskiwin No. 10 and/or Brazeau County engineering standards.
- 6) Each County is responsible for the construction and maintenance of their transportation infrastructure within the Plan Area.
- 7) Where applicable, both Counties will work together with Alberta Transportation to maintain a safe and effective transportation network within the Plan Area.



Brazeau County
County of Wetaskiwin No. 10
Intermunicipal Development Plan
 (Figure 4: Transportation)

Road Surface

- | | |
|-------------------|------------------|
| Provincial Paved | Municipal Gravel |
| Provincial Gravel | Municipal Dirt |
| Municipal Asphalt | Plan Area |



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M. UTILITY CORRIDORS

- 1) The continued demand for the location of telecommunications infrastructure and utility servicing has the potential to impact land use within municipalities; however, the municipalities 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, the host County shall notify the adjacent County to seek their review and 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 on an existing tower 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.

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.
- 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 in writing. A request to amend 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 Development Plan Committee (hereinafter referred to as the “Committee”).
 - b) The Committee will meet on an as required basis and will develop recommendations for 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 both Counties as may be reflected in the Intermunicipal Development Plan, Municipal Development Plans, Area Structure Plans, and/or other strategic studies.
 - ii) Intermunicipal and regional transportation issues including Transportation and Utility Corridors, maintenance, construction and potential haul routes.
 - iii) Prompt circulation of major land use (i.e. statutory plans including amendments), 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 six (6) members, three (3) 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 (4) years, the IDP will be formally reviewed by the Committee in conjunction with the Intermunicipal Collaboration Framework in order to confirm, or recommend amendment(s), of any particular policy contained herein. The Committee will prepare recommendations for consideration by the municipal Councils.

O. DISPUTE/CONFLICT RESOLUTION

- 1) Both Counties agree that the following process shall be used to resolve or attempt to resolve disputes between both 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 O(1)(a) or (b) is defined as a statutory plan, Land Use Bylaw, or amendment to either, which has been given first reading by Council, and which the other Council deems to be inconsistent with the policies of this IDP, or detrimental to their planning interests as a County.
- 3) A dispute shall be limited to the decisions on the matters listed in section O(1). Any other appeal shall be made to the appropriate approving authority or appeal board that deals with that issue.
- 4) 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 O(1)(c) and within thirty (30) calendar days of a decision made pursuant to section O(2). Once either County has received written notice of a dispute, the dispute resolution process must be started within fifteen (15) calendar days of the date the written notice was received, unless both Chief Administrative Officers agree otherwise.
- 5) Once the dispute resolution process is initiated, the County having authority over the matter shall not give any further approval until the dispute has been resolved or the mediation process has been concluded.
- 6) 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 has the right to appeal to the Municipal Government Board.
- 7) The Intermunicipal Development Plan Committee formed under this IDP will be the forum used in relation to any disputes.

Dispute/Conflict Resolution Process

Stage 1 –Written Notice – In the event that a dispute is identified, it is required that written notice be given to the adjacent municipality.

Stage 2 – Administrative Review – Administration from each municipality shall meet and attempt to resolve the dispute. If unable, the Chief Administrative Officers of both Counties may attempt to resolve the dispute. In the event a resolution is not achieved by the 30th calendar day following the first meeting of the Chief Administrative Officers, either County may refer the dispute to the Intermunicipal Development Plan Committee.

Stage 3 – Intermunicipal Development Plan Committee Review – The Committee will convene to consider and attempt to resolve the dispute. In the event a resolution is not achieved by the thirtieth (30th) calendar day following the first meeting of the Intermunicipal Development Plan Committee, the dispute will be referred to mediation.

Stage 4 – 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 both Counties. The identified dispute must be resolved within six (6) months after written notice is given.

Stage 5 – Municipal Government Board (MGB) – If the dispute has not been resolved within six (6) months after the notice is given, or in the event 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 MGB.

P. CORRESPONDENCE

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

a. In the case of Brazeau County to:

**Brazeau County
c/o Chief Administrative Officer
Box 77, 7401 Twp. Rd 494
Drayton Valley, Alberta T7A 1R1**

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, Alberta T9A 2G5**

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